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.

HOUSE OF REPRESENTATIVES—*Thursday, March 7, 1991*

The House met at 10 a.m.

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

On this day our hearts and minds go out to all people who have any kind of need. We especially pray, O God, for the hostages from several nations who do not experience the fullness of life and who do not share the devotion and warmth of those they love. We earnestly pray that at this special time the bonds that have held them will be broken and the darkness of isolation will be illumined by the brightness of a new freedom. May they be supported by our prayers and encouraged each day by the presence of Your spirit. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will recognize the gentlewoman from Ohio [Ms. OAKAR] to lead us in the Pledge of Allegiance.

Ms. OAKAR led the Pledge of Allegiance as follows:

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

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT DURING 5-MINUTE RULE TODAY

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be permitted to sit today for the consideration of H.R. 26, the money laundering enforcement amendments of 1991, and two bills providing funding for the RTC, while the House is sitting for amendments under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 1-minute requests. The Chair will limit 1-minute requests to 10 on each side.

BANKS MUST BE ENCOURAGED TO LOAN MONEY

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

Mr. RAY. Mr. Speaker, the Small Business Committee held hearings this week on the so-called credit crunch. The testimony provided a great deal of insight into this problem which many people believe is the primary reason for the current recession.

Some bankers contend that the lack of credit is due to overbearing regulators who are forcing banks to set aside large amounts of money to cover potential losses. These loan losses are the result of overvalued real estate and highly leveraged transactions among other things.

Mr. Speaker, we all support proper and stringent regulation of banks, but we need to strike a balance which will keep banks making good, quality loans. Toward this end, I want to commend the plan put forward by the banking regulators which would alter the way they judge a bank's problem loans. I am hopeful these changes will increase the amount of money available for good loans to creditworthy borrowers.

Mr. Speaker, it is essential for us to encourage banks to loan money for business expansions and new business. Without it, I am fearful that this recession will be much worse than it would be otherwise.

BRING FORWARD CLEAN RESOLUTION TRUST BILL

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

Mr. GINGRICH. Mr. Speaker, the President last night reminded us that Desert Storm's ground operations took 100 hours, and he challenged the Congress to pass some bills in 100 days. As we look at the Resolution Trust Corporation's funding problem, we can appreciate why he may doubt the ability of Congress to act.

As of today, we have thrown away $56 million, totally wasted money, because Congress still has not passed the Resolution Trust Corporation funding.

Mr. Speaker, I want to say on behalf of the Republicans, we would extend the hand of bipartisan effort to the Democratic leadership. If you would schedule a clean bill, we would be glad to help pass it. But to waste $8 million a day, every day, just strikes us as a true waste of the taxpayers' money. Surely the Congress can do better.

So I say to the Democratic leaders, please bring forward a clean Resolution Trust bill.

PALESTINIANS NEED A TRUE MODERATE LEADER

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

Mr. SCHEUER. Mr. Speaker, President Bush in his fine address last night rightly stressed the importance of achieving some kind of consensus between the Israelis and the Palestinians. But if by that he or anybody else means that the PLO should play a lead role in that, it makes the future disturbingly murky.

The immediate images conjured up by the PLO are its worldwide terrorist network, bombing airports, hijacking airplanes, murdering Olympic athletes, throwing tourists from boats into the sea, commando attacks against families spending the day at the beach, and riddling buses full of women and children with bullets. Modern Palestinian history, especially that inspired by the present PLO leadership, is mired in calls for Islamic jihad, or holy war, and drenched in the blood of the Intifada. Let us not forget, that the Intifada was created to foment the violent return of the Palestinian state, founded on top of the bodies of the people of Israel. Yet, Mr. Speaker, the Intifada has killed many more Palestinians in the last year than it has Israelis.

Astonishingly, the Palestinian leadership continues to be dominated by world class terrorists. Of course, the Palestinians themselves are not a violent people. They do not carry guns, they do not throw stones. So many Palestinians on the West Bank and Gaza and around the world are doctors, lawyers, academics, teachers, and scientists. The vast majority have never committed any act of violence. Yet, as a group, they continue to let themselves be led by terrorists controlled and bankrolled by the Arab extremists from their mansions in Tunis.

If only the Palestinians could have leadership that faced the realities of the world as it exists. Yet each time a moderate Arab steps forward, and there are many of them in the West Bank and Gaza, willing to negotiate with Is-

rael, willing to establish peace in that region, he is shot down by his own people, literally and figuratively.

Mr. Speaker, until the Palestinians rise up in support of a true moderate leader, to be found in amplitude on the West Bank, and not a fake moderate, like King Hussein or Yasser Arafat, until then, a lasting Arab-Israeli peace will remain forever beyond anybody's grasp.

APPOINTMENT AS MEMBERS OF JOINT ECONOMIC COMMITTEE

The SPEAKER. Pursuant to the provisions of 15 United States Code 1024(a), the Chair appoints as members of the Joint Economic Committee the following Members on the part of the House:

Mr. HAMILTON of Indiana;
Mr. OBEY of Wisconsin;
Mr. SCHEUER of New York;
Mr. STARK of California;
Mr. SOLARZ of New York;
Mr. MFUME of Maryland;
Mr. ARMEY of Texas;
Mr. WYLIE of Ohio;
Ms. SNOWE of Maine; and
Mr. FISH of New York.

APPOINTMENT AS MEMBERS OF NATIONAL COMMISSION ON JUDICIAL DISCIPLINE AND REMOVAL

The SPEAKER. Pursuant to the provisions of section 411(a)(2) of Public Law 101-650, the Chair appoints the following members to the National Commission on Judicial Discipline and Removal on the part of the House:

Mr. HAMILTON FISH, JR., of New York;
Mr. ROBERT W. KASTENMEIER of Arlington, VA; and
Mr. STEPHEN B. BURBANK of Philadelphia, PA.

SELECTION OF MEMBERS AS ADDITIONAL OFFICIAL ADVISERS TO U.S. DELEGATIONS TO INTERNATIONAL CONFERENCES, MEETINGS, AND NEGOTIATION SESSIONS RELATING TO TRADE AGREEMENTS

The SPEAKER. Pursuant to the provisions of 19 U.S.C. 2211, the Chair 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 of Michigan, Mrs. COLLINS of Illinois, and Mr. LENT of New York.

EMERGENCY SUPPLEMENTAL ASSISTANCE TO ISRAEL

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

Mr. BROOMFIELD. Mr. Speaker, last night, the President challenged the Congress—as well as the various parties in the region—to work for a comprehensive peace in the Middle East.

The President said that such a peace must be based on U.N. Security Council Resolutions 242 and 338 and on the principle of territory for peace. He said:

> This principle must be elaborated to provide for Israel's security and recognition, and at the same time for legitimate Palestinian political rights. Anything else would fail the twin tests of fairness and security.

Mr. Speaker, I stand here today as a cosponsor of legislation authorizing $650 million in aid to Israel. No one who witnessed the courageous restraint shown by the people of Israel in the face of numerous Iraqi missile attacks can honestly question whether Israel deserves our help today.

Now I call on my friends in Israel to bring the same courage to the quest for peace—to work, in good faith, for political solutions which promise to end generations of conflict because they are fair to all parties. We in Congress must do all that we can to help Israel down the path of peace.

□ 1010

WINNING THE WAR ON DOMESTIC ISSUES

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

Mr. TRAFICANT. Mr. Speaker, thank God we have won the battle in the desert, but we cannot afford to lose the war in America.

Infant mortality rates and poverty rates of children are higher in America than most Third World nations. Our high school dropout rate is the highest of all industrialized nations. To boot, we have 700,000 high school graduates that cannot read.

In a world survey of 13-year-olds, American kids finished dead last in math. Our teenage pregnancy rate is one of the world's highest. We lead the world in murder. Our savings and loans have already collapsed. Pensions are underfunded, banks are teetering.

I say it is a shame, Mr. Speaker, that Congress can find money for smart bombs but we cannot seem to ever find money to develop smart kids.

Thank God the war is over. But let us get now at the battle that looms in the streets of America.

REQUIRING THE DISPLAY OF POW-MIA FLAGS AT FEDERAL BUILDINGS

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

Mrs. VUCANOVICH. Mr. Speaker, I rise today to encourage Members to join me as a cosponsor of House Joint Resolution 164, which I introduced on February 29, 1991. This resolution would require the display of the POW-MIA flag at Federal buildings.

In this time of jubilation about the liberation of Kuwait and the relief that the fighting has stopped, we cannot forget our POW-MIA's and the torment that they have undergone. Certainly, we are thankful for the release of the POW's from the Persian Gulf war and pray that the remaining 29 MIA's will someday be able to come home to their families.

In addition, we can never forget those POW-MIA's of previous conflicts, especially those held in Southeast Asia. While we continue to pray for the safety of these soldiers and civilians, we should take action here at home to show that these POW-MIA's are not forgotten.

House Joint Resolution 164 would require the display of the POW-MIA's flag at Federal buildings until such time that a satisfactory accounting has been made of all members of the Armed Forces of the United States and civilians who are known to have become prisioners of war or who are missing in action in Southeast Asia and the Persian Gulf.

Please join me in recognizing the noble sacrifices made by these men and women of the United States who have served our country so bravely. We pray for their safe return.

Mr. Speaker, I urge my colleagues to join me in cosponsoring this legislation.

FIGHTING THE DOMESTIC BATTLE

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

Mr. WISE. Mr. Speaker, last night the President addressed an ebullient joint session. The success of Operation Desert Storm has brought a new sense of unity and pride to this Nation.

As President Bush noted, it is time to seize that moment. Surely what has been done so successfully thousands of miles away can be our model for confronting tough issues at home. Think of the investing of $50 billion, committing half a million people, launching the greatest movement of materiel since World War II all in a matter of months. What an example.

So Mr. Speaker, I say we can take the initiative at home. Following the war, there is a nation that has one-half of its roads substandard, 40 percent of its bridges deficient, all of its major airports clogged. Is it Iraq? No, it is the United States of America, and it is time to have a transportation policy that gets us moving.

So let us have a Schwarzkopf approach to transportation.

For a nation where over 25 percent of our children never graduate from high school, where children finish school and cannot read, bring on Colin Powell and the overwhelming concept of overwhelming force to conquer our lack of competitiveness.

Mr. Speaker, a broad cross-section of half a million Americans working under sterling leadership amazed the world. Let us bring that spirit now home to the United States.

OUR RIGHT TO DEBATE THE ISSUES

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

Mr. GUNDERSON. Mr. Speaker, I count among my friends here in the House of Representatives people on both sides of the aisle from very diverse political philosophies. But I am greatly concerned over what appears to be developing in this town, a debate over whether or not we can debate.

In particular, I am concerned about those who are now suggesting that we as Members of Congress on both sides of the issue on both sides of the political aisle somehow ought not be allowed to defend our vote on the decision to authorize the use of force.

To those who suggest that we cannot conduct that debate, I would ask this: If the war had bogged down and if there had been thousands of casualties on our side, is there any doubt in anybody's mind that those who stood up to the use of force and authorized it would not have been held politically accountable? I was told in a town meeting in my district shortly before that vote of January 12 that I would be held politically accountable for my vote, and I said that is fair, and frankly it is the least of my worries. The decision as to whether or not it is right and the decision as to how it will be paid for in the lives of people is much more important to me than political ramifications.

But for those who suggest we cannot conduct this debate, I only ask: If the outcome had been different, would you not have conducted the debate you now want shut off?

COOKING THE BOOKS ON UNEMPLOYMENT TRUST FUNDS

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

Ms. LONG. Mr. Speaker, I want to draw attention to the $200 million in the supplemental for the continued operation of the unemployment program.

Everybody outside of Washington must be wondering "Why didn't Congress and the administration release these funds earlier?" After all, employers and employees paid into the Unemployment Trust Fund. After all, the fund contains a huge surplus.

The answer is simple. Congress and the administration play accounting tricks with the books and use employment trust funds to meet budget targets. The end result is that unemployment funds have to jump through hoops in order to get released.

While the books are being cooked, unemployed American workers wait for hours at unemployment offices and then wait for weeks to get their checks.

It is my hope that we will act on unemployment insurance legislation soon, and, when we do, I ask my colleagues to remember this day and support comprehensive budget reform of the unemployment insurance program.

LEGISLATION DESIGNATING PORTIONS OF ALLEGHENY RIVER AS A NATIONAL RECREATION RIVER

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

Mr. CLINGER. Mr. Speaker, I rise today to introduce legislation that will continue to protect an important part of northwestern Pennsylvania's environmental heritage. This bill seeks to include 85 miles of the Allegheny River as a national recreation river under the Federal Wild and Scenic Rivers System.

During the 101st Congress, this body unanimously passed a version of this bill, but unfortunately, the Senate did not act before that Congress adjourned. Hopefully, during this Congress, both the House and the Senate will be able to act quickly.

In 1978, Congress directed the Forest Service to study 128 miles of the Allegheny River from the Kinzua Dam to East Brady, PA, to determine if the river was eligible for protection under the Federal Wild and Scenic Rivers System. Early last year, they reported that 85 miles of the river contained outstandingly remarkable values.

While 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 that this bill would designate are a national treasure worthy of the additional protection of a recreational river designation.

Approximately 30 percent of the 85-mile river segment winds through the Allegheny National Forest with the remaining portion moving through State and private lands. The national recreation river designation will add additional protection to the many islands of the Allegheny River, including those designated as wilderness in the 1984 Pennsylvania Wilderness Act.

This bill creates two citizen advisory councils to ensure the maximum input by local governments and private citizens into a U.S. Forest Service management plan. Additionally, the Secretary of Agriculture is authorized to implement interim protection measures to protect the river's remarkable values prior to the full implementation of the management plan.

The Allegheny River is a wonderful natural asset for both the people of northwestern Pennsylvania and the people of the entire Nation. A brief excerpt from Frederick Way's 1942 book, "The Allegheny," still sums up the natural beauty of this area nicely:

> * * * Strange and untamed and little explored. Curious that such a place should exist so close to civilization and still be untouched. Miles and miles of pioneer river * * * the Allegheny is a breed of its own, and it should remain so!

There is also great support for this bill in Pennsylvania. After the House passed this legislation in 1990, a major western Pennsylvania newspaper, the Erie Times-News, had this to say about the bill:

> With the U.S. and world population continuing to climb, wilderness areas will be even more prized in the future. The Allegheny Forest and the national recreation river status of the Allegheny River will become even greater assets as time goes on * * *. The federal action * * * not only means that future generations will be enriched—it also offers a lift to today's residents, those who love the area and are proud to serve as hosts to admiring visitors.

Mr. Speaker, passage of this bill would give much deserved protection to this pristine river and I urge the House of Representatives to consider this legislation as early as possible.

□ 1020

INTRODUCTION OF RESOLUTION CHANNELING U.S. AID DIRECTLY TO BALTIC REPUBLICS

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

Mr. DOOLITTLE. Mr. Speaker, we proclaim in our Declaration of Independence that all men are endowed by their Creator with certain unalienable rights. Amongst these are the right to life, liberty, and the pursuit of happiness.

Mr. Speaker, I rise today in support of the unalienable rights of the people of the Baltic Republics of Latvia, Lithuania, and Estonia, people who have been forcibly annexed into the Soviet Empire since 1940 and who desire very much to be free.

Last weekend in Latvia, 74 percent of the people voted to be free of the Soviet Empire. In Estonia it was 78 percent. Several weeks ago Lithuania, by an astounding 90 percent of the people, indicated they wish to be free.

The people in these Baltic Republics do not enjoy unalienable rights. They have been brutally repressed, tortured,

and murdered, and other terrible forms of repression have been commonplace. Recently the press, the newspaper, in Latvia was taken over. Freedom of the press was eliminated, and in Lithuania Soviet troops stormed a TV and radio station killing 14 and injuring 150 innocent civilians.

I have cosponsored with the gentleman from California [Mr. ROHRABACHER] a resolution that channels U.S. aid directly to the republics, bypassing the central government. The United States, with its concepts of unalienable rights, must not be party to this repression but must raise its voice in defense of these innocent people who seek their freedom.

NATIONAL CEMETERY SYSTEM LACKS ADEQUATE CARE

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

Mr. STAGGERS. Mr. Speaker, later today the House is to vote on a supplemental appropriations bill. The additional appropriations are needed to help get back some of the funding so vital to keep our veterans hospitals operational, fully fund compensation to service-connected veterans, as well as a variety of other needs. One of these needs not addressed is our national cemetery system.

Today I take the floor as chairman of the Housing and Memorial Affairs Subcommittee to complain about the lack of adequate care for the national cemetery system. Last year, the House Veterans' Affairs Committee asked for more money for the care of our national cemeteries. I should note that from 1984 to 1992, burials and gravesite maintenance increased 36.1 percent and 24.8 percent respectively while staffing has decreased 5.4 percent.

The national cemetery system is quickly becoming a disgrace. As this House jumps at the chance to show our veterans how much we support them, we are failing miserably in providing a decent final resting place for America's veterans. This system literally is out of money to buy or fix a backhoe, to water the grounds, to open the new national cemetery in California or even to fertilize the grass.

Perhaps nothing says more about who we are as a nation than the way we treat our dead. As we consider a supplemental appropriation to cover a variety of matters, let us remember that many of those brave veterans who died in Saudi Arabia will be buried in a national cemetery system that is inadequate as their final resting place.

SUPPORT KENNEDY-SLATTERY AMENDMENT FOR S&L BAILOUT

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

Mr. SLATTERY. Mr. Speaker, there seems to be some question as to whether the RTC has money to continue to do business. An earlier speaker today indicated that we have somehow squandered $56 million, because we have not passed the RTC legislation, the reauthorization bill. That is absolutely incorrect.

Based on information the Committee on Banking, Finance and Urban Affairs obtained from the RTC, it is clear the RTC has enough money to continue to do business. Last year the Congress approved $18.8 billion in additional borrowing authority for the RTC. The RTC currently has $8 billion to $10 billion which they have left from the $18 billion that we appropriated and made available last year. So any suggestion that by delaying this legislation we are costing the taxpayers some $8 million a day is absolutely inaccurate.

For those who are concerned about reducing the cost of the savings and loan bailout, I would urge them to support the Kennedy-Slattery amendment, which will save $121 billion of taxpayers' money by requiring a pay-as-you-go payment mechanism for the S&L bailout.

CONGRESS SHOULD TAKE A HARD LOOK AT HEALTH CARE IN THE UNITED STATES

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

Mr. ROEMER. Mr. Speaker, as I traveled throughout the Third District of Indiana last year, I met many fine people, but today one special mother of three stands out in my mind.

This woman told me she had a terrible fear that one of her young children might get sick. All loving parents hope for health for their children and at times all share a fear of illnesses striking young ones.

But, Mr. Speaker, this woman's anxiety was deeper because her family literally cannot afford sickness.

She, like 37 million other Americans, does not have health insurance.

Is she lazy? This woman has worked hard and done her best to save all her life. But when the bills are paid at the end of the month, there's no money left for health insurance.

And no wonder.

Today in Indiana the average yearly cost of health care—per person—was $2,201.

In the 1980's, out-of-pocket health care costs for families rose 157 percent, outpacing spending in the general economy. In 1989, national health expenditures exceeded $604 billion, accounting for almost 12 percent of the gross national budget in this country.

By the year 2000, the average cost of health care for each person in Indiana will be over $5,000.

That trend means more and more working men and women in Indiana and all over this Nation will be joining the ranks of America's uninsured.

Mr. Speaker, I believe that is wrong. We can do better, and in this 102d Congress, it is my hope that we will.

PAY-AS-YOU-GO AMENDMENT WOULD RAISE TAXES

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

Mr. WALKER. Mr. Speaker, over the last couple of days we have had an interesting debate over the question of the RTC and whether or not money is being wasted by not going ahead and passing a clean bill to refund the RTC.

We had a gentleman here a moment ago who suggested that doing something other than having a clean bill, adding an amendment to it that he calls a pay-as-you-go amendment, would, in fact, save the taxpayers money.

Because of the way the Democratic leadership structured last year's budget plan, the S&L account is a separate item within the budget. It is not part of the general revenue. If you had pay as you go, the only way that you could have a pay-as-you-go plan would be to raise taxes on someone.

We are not talking about saving taxpayers' money. We are talking about charging taxpayers additional taxes in order to fund the pay-as-you-go plan.

I suggest that many taxpayers will find it a little bit hard to understand why Congress could not get its work done, proved itself to be incompetent in terms of scheduling, proved itself to be incompetent in terms of developing a budget, and then passes the bill along to them in terms of higher taxes. That is not what the American taxpayers are looking for from this Congress.

□ 1030

COMMITMENT TO POSTWAR CHALLENGES

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

Mr. REED. Mr. Speaker, last night the President summarized the mood of the American people and of the Congress.

This is a time to celebrate, to commemorate and to commit ourselves to meet the challenges that are ahead.

We celebrate our tremendous American military victory over Saddam Hussein's unprovoked brutality and aggression.

We commemorate the outstanding effort of American troops, including the

115th, 118th, and 119th Military Police Companies of the Rhode Island National Guard who served their country so well. And we commit ourselves to meeting postwar challenges, at home and abroad.

Abroad we must now turn to securing peace in the Middle East.

Here at home, we face domestic challenges that require the same energy and commitment we focused on Operation Desert Storm.

As we bring our troops home and prepare for a new generation of veterans, let everyone thank them with health care, education, and jobs.

These are true American heroes who deserve a hero's welcome. But when the parades stop, let everyone not forget the men and women who made these sacrifices for us. Let Members repay them with the promise of a bright future.

INTRODUCTION OF SPOILS OF WAR ACT

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

Mr. SMITH of Florida. Mr. Speaker, most of us have seen the pictures of American troops destroying captured Iraqi arms. What we have not seen is what is happening to those weapons not destroyed.

We have captured enough military equipment to enable some countries to wage a major war. Next week I will introduce the Spoils of War Act to ensure that captured military equipment be subject to the Arms Export Control Act so that none of these weapons are given away without congressional approval. This spells out in no uncertain terms the guidelines laid out under article 1 section 8 of the Constitution which states, "Congress shall have the power to * * * make rules concerning captures on land and water."

Furthermore, my bill will ensure that captured war materiel will not, under any circumstances, be transferred to a country on the State Department's list of terrorist nations—such as Syria. These countries are on the list for a reason. They continue to participate in state sponsored terrorism and give safe haven to terrorists.

All too often in the past, Mr. Speaker, arms delivered to the Middle East have ended up in wrong hands. Now that we have come into possession of a large store of Iraqi arms through the brilliant actions of our troops, let's not make the dumb mistake of transferring these weapons to dangerous states in the region and, thereby, contribute to their rearmament.

Yet, I am very concerned that this could happen, and I want to make absolutely sure it won't.

We must make sure that all our actions and the heroism of our troops do not go to waste.

I urge my colleagues to support the Spoils of War Act.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). For our guests in the gallery, they are reminded that they should not respond to the statements on the floor.

WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 1281, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR CONSEQUENCES OF OPERATION DESERT SHIELD/DESERT STORM, FOOD STAMPS, UNEMPLOYMENT COMPENSATION ADMINISTRATION, VETERANS COMPENSATION AND PENSIONS, AND OTHER URGENT NEEDS ACT OF 1991

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 103, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 103

Resolved, That all points of order for failure to comply with the provisions of sections 302(f) and 311(a) of the Congressional Budget Act of 1974 and with clause 2(1)(6) of rule XI and clause 7 of rule XXI are hereby waived against consideration of the bill (H.R. 1281) making dire emergency supplemental appropriations for the consequences of Operation Desert Storm/Desert Shield, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes. During consideration of the bill, all points of order against provisions in the bill for failure to comply with the provisions of clauses 2 and 6 of rule XXI are heareby waived, except against the provisions beginning on page 24, line 17 through page 25, line 10; beginning on page 28, lines 14 through 21; and beginning on page 32, lines 15 through 22. It shall be in order to consider the following amendments printed in the report of the Committee on Rules accompanying this resolution: (1) the amendment to be offered by Representative Slattery of Kansas, said amendment shall be debatable for not to exceed thirty minutes, equally divided and controlled by the proponent and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI are hereby waived; (2) the amendment to be offered by Representative Chapman of Texas, said amendment to be debatable for not to exceed thirty minutes, equally divided and controlled by the proponent and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI and clause 2 of rule XXI are hereby waived; and (3) the amendments to be offered by Representative Kolbe of Arizona, said amendments shall be consdered en bloc, shall be debatable for not to exceed one hour, to be equally divided and controlled by the proponent and a Member opposed thereto, and all points of order against said amendments en bloc for failure to comply with the provisions of clause 7 of rule XVI and clause 2 of rule XXI are hereby waived.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for the purposes of dedate only, I yield 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 103 waives certain points of order against the consideration of H.R. 1281, and against certian provisions of the bill. H.R. 1281 makes dire emergency supplemental appropriations for some of the consequences of Operation Desert Storm/Desert Shield, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for fiscal year 1991.

The rule waives two provisons of the Budget Act against consideration of the bill: Section 302(f) which prohibits consideration of measures which would cause the appropriate committee allocation to be exceeded; and section 311(a) which prohibits the consideration of legislation which causes the budget authority or outlay ceilings to be exceeded or the revenue floor to be breached. The Committee on Rules has recommended these waivers in the rule in order that the dire emergency supplemental can be considered by the House.

The bill provides $1.503 billion in new budget authority which is $159 million above the Appropriations Committee 302(a) allocation for fiscal year 1991. This amount does not include those portions of the bill which have been designated as emergency for purposes of the Balance Budget and Emergency Deficit Control Act and are therefore not subject to its provisions.

House Joint Resolution 157, the Technical Corrections Appropriations Act, which has been passed by the House, would reduce $403.5 million from the appropriations made to foreign operations for fiscal year 1991, thus bringing the Appropriations Committee below its 302(a) allocation for the current fiscal year. Once the Technical Corrections Act has been passed by the Senate and signed by the President, the need for the section 302(f) waiver as well as the need for a waiver of section 311 of the Budget Act will be obviated. However, until the Senate and the President act on House Joint Resolution 157, the waiver of section 302(f) and 311 will be required in order for the House to consider H.R. 1281.

The rule also waives clause 2(L)(6) of rule XXI, which requires that a bill lay

over for 3 days prior to consideration, and clause 7, rule XXI, which requires relevant printed hearings and report to be available for 3 days prior to consideration of a general appropriation bill, against consideration of H.R. 1281. The Committee on Rules has recommended these waivers in order to expedite the consideration of H.R. 1281 and to move these important appropriations quickly to the President's desk for his signature.

House Resolution 103 also waives two provisions of the Rules of the House against all but three specific provisions of the bill. The rule waives clause 2 and 6 of rule XXI against all provisions of the bill except one provision transferring funds relating to storage and warehouse facilities for the Library of Congress, one provision relating to the obligation of funds for construction of the Northern Virginia Naval Systems Command Headquarters, and one provision relating to section 310(c) of the Department of Transportation and Related Agencies Appropriation Act for which the Committee on Public Works requested that no waiver be provided.

Clause 2 of rule XXI prohibits the inclusion of unauthorized appropriations or legislative provisions in general appropriations bills. Because H.R. 1281 contains many instances of unauthorized appropriations and legislation, including funds for additional missile procurement, including additional Patriot missiles, the Committee on Rules recommends this waiver. Clause 6 of rule XXI prohibits reappropriations in a general appropriations bill or transfer of funds outside the same department or agency. Because H.R. 1281 transfers funds for missile procurement from the Defense Cooperation Account, which was established last year to accept foreign contributions to the gulf war effort, this is one reason the Committee on Rules also recommends this waiver of the Rules of the House.

House Resolution 103 makes in order the consideration of three amendments which are printed in the report accompanying the resolution and waives clause 2 of rules XXI against those amendments.

The first amendment, to be offered by Mr. SLATTERY of Kansas, prohibits the use of any funds in the Rural Development, Agriculture, and Related Agencies Appropriation Act for fiscal year 1991 for the restoration of the birthplace of Lawrence Welk. The rule provides that the Slattery amendment shall be debated for 30 minutes, the time to be equally divided and controlled by the proponent and a Member opposed to the amendment.

The second amendment, to be offered by Mr. CHAPMAN of Texas, is a sense of the Congress amendment which urges those nations who have pledged funds to help meet the costs of the coalition effort during the gulf war to comply substantially with those pledges or to reach an agreed upon payment schedule no later than April 15 of this year. The rule also waives the provisions of clause 7 of rule XVI, which prohibits the consideration of nongermane amendments, against the Chapman amendment and provides that the amendment shall be debatable for 30 minutes with the time to be equally divided and controlled.

Finally, the rule makes in order the consideration of en bloc amendments to be offered by Mr. KOLBE of Arizona. The Kolbe amendment seeks to transfer funds from various programs within the Department of Housing and Urban Development to fund Hope grants, the Home Program and the Shelter Plus Care Program which were created by the National Affordable Housing Act. The rule also waives clause 7 of rule XVI against the Kolbe amendment and provides that the amendment shall be debatable for 1 hour with the time to be equally divided and controlled.

Mr. Speaker, H.R. 1281 provides funds to offset the extraordinary expenses of the U.S. Government associated with Operation Desert Shield as well as funds for food stamps for the remainder of this fiscal year, funds for veterans compensation and pensions, funds for SSI and CHAMPUS medical care, unemployment compensation administration and funds for Israel and the District of Columbia. I urge my colleagues to support this rule in order that the House may proceed to the consideration of this most important supplemental appropriation.

□ 1040

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me the 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this could have been a highly controversial rule, but because the Democrats on the Rules Committee were willing to work with Republicans on that committee, I think we have a product which will be acceptable to a majority on both sides of the aisle; and I hope we will get a unanimous vote on it.

I am particularly pleased that the rule provides for consideration of an amendment to be offered by the able gentleman from Arizona [Mr. KOLBE]. The Kolbe amendment will transfer funds to the Hope, Home, and Shelter Care Plus Programs that are so vitally needed today. These three programs represent innovative approaches—in coordination with State, local and nonprofit sectors—to provide affordable housing for low income citizens and to deal with the deep and persistent problems of the homeless throughout our country.

These programs were authorized in the Cranston-Gonzalez National Affordable Housing Act and are supported by the administration. We need to fund them now, not in the next fiscal year, and not 2 years from now. I commend the gentleman from Arizona for his persistence in pushing for this much needed step forward on the domestic front.

A second provision I am glad to see in this rule makes in order an amendment sponsored by the gentleman from Kansas [Mr. SLATTERY] and the gentleman from Ohio [Mr. KASICH]. This amendment will rescind the funds to restore the birthplace of Lawrence Welk.

Mr. Speaker, in a time when we are having to borrow enormous sums to pay the necessary bills of this government, we should be very careful to spend the taxpayers money as prudently as we possibly can.

Lawrence Welk's birthplace is doubtless an interesting spot, but if it is to be restored, it should be restored with private funds, not government funds. We ought to set this example here today, and keep that in mind for future legislation.

This rule makes in order a third amendment to be offered by the gentleman from Texas [Mr. CHAPMAN]. It is designed to put the Congress on record in favor of the proposition that those Nations which have pledged contributions to help pay for Operation Desert Shield and Operation Desert Storm should pay up by April 15. This is certainly a reasonable concept and I support it. April 15 is a day when taxpayers, you and me and all Americans, have to shell out our taxes, and certainly we should expect no less from our allies overseas.

Mr. Speaker, the bill made in order by this rule has several provisions dealing with veterans benefits. As the former ranking Republican member of the Committee on Veterans' Affairs, the welfare of veterans is a leading concern of mine, as it is of every Member of this House. We will soon be welcoming back into this country over half a million victorious military men and women who have served their Nation so bravely in its time of need.

It is up to us, it is up to this Congress, to look out for the survivors of those who died, to provide proper care for those who were injured, and to provide readjustment assistance to those who need it. A few weeks ago this Congress passed and the President signed into law a 5.4-percent inccrease in the rates of veterans disability and dependency and indemnity compensation.

This bill today, this dire supplemental that the committee chairman, the gentleman from Mississippi [Mr. WHITTEN] and the ranking member, the gentleman from Pennsylvania [Mr. MCDADE] are bringing to the floor provides the funding for that cost-of-living adjustment. It is another reason why we should all be voting for it.

In addition, because of the extra expenses which will result from Operations Desert Shield and Desert Storm,

this bill includes a supplemental appropriation of $46 million for medical care and an additional $12 million for operating expenses of the Department of Veterans Affairs. The veterans of the Persian Gulf conflict deserve our whole-hearted support.

I am strongly in favor of the provisions of this bill which are a way for us to show our returning military people that we appreciate what they have done for their country.

Mr. Speaker, this rule contains a number of waivers of points of order. These have been explained by the gentleman from Texas [Mr. FROST], and I will not repeat them.

However, I would like to make the point that the two waivers of the budget act included in this rule were supported by the chairman and ranking Republican member of the Appropriations Committee, the gentleman from Mississippi [Mr. WHITTEN], and the gentleman from Pennsylvania [Mr. McDADE], because these budget waivers are technical and not substantive; they do not bust the budget. I think everybody listening back in their offices ought to keep that in mind. Let me tell you, if I thought for 1 minute they were going to bust this budget in any way, this Member of Congress would not be standing here asking you to vote for this rule today.

The chairman and the ranking Republican member of the Budget Committee, the gentleman from California [Mr. PANETTA], and the gentleman from Ohio [Mr. GRADISON], concur in the conclusion that I just drew here on the floor.

Mr. Speaker, I support this rule so that the House may proceed to act promptly on the supplemental appropriation I urge every Member, when you come to the floor, to support the rule and get on with the supplemental.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I will have a series of amendments; one would reduce the aid in the dire supplemental of $650 million to $400 million to Israel. It is pretty much a buzz word that the administration's original request for funds were in that particular neighborhood. Feeling that there might be an expansion of that count to $1 billion, there was a figure settled on of $650 million.

I would also like to say that there was money not in here for some housing programs, HOPE and HOME, that will be addressed by Representative KOLBE, which I will support. It would be nice to see if we could have some money available that could deal with that.

Let me just say this. I am not so sure that this aid to Israel should be considered under an emergency condition in the first place, and second of all, I believe that this money should be counted against the strict budgetary limitations that were passed in the last session. We were up here late at night worrying about the Congress shutting down and our country and our Goverment shutting down.

So I will have a series of amendments. If the $250 million amendment will fail, I will return with another amendment, and I would hope that if we are going to find some money for the gentleman from Arizona [Mr. KOLBE] that we would take a look at some of our own problems and maybe we could cut some funds from this particular account.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

□ 1050

Mr. KASICH. I thank the gentleman for yielding. I will only take a moment.

Mr. Speaker, I will be able to discuss the amendment more fully when the appropriate time arrives, but what I really wanted to do is to thank the members of the Committee on Rules for giving Mr. SLATTERY and me an opportunity to have a chance to offer this amendment today.

I think this is kind of a breakthrough. In some respects it is unprecedented because in the 9 years that I have been here I have never seen an opportunity to have a freestanding vote on an issue like this.

I think, in the process, some people are going to get aggravated that we have had a chance to do this, but I want to make clear that our fight on this is not a fight on just the project itself, it is not directed at any Member of the Congress, either the House or the Senate. What we are attempting to do is to have a shot across the bow and to say that it is very appropriate for the Congress to begin the careful review of the kinds of projects that are put in these budgets or in these appropriations bills and that it is very appropriate for people to stand up on a bipartisan basis on both sides of the aisle and make sure that very late at night things are not going to be added that clearly are not going to reflect the will of the majority.

So this is not something that we want to use today to beat our chests and crow about how bad a particular project is, but rather we look at this as the beginning of a very constructive effort to do a more thorough job in the Congress.

So I want to rise for two reasons: One, to praise JIM SLATTERY, who has decided, and decided sometime ago, that the issue of pork is something that needed to be discussed and needed to be addressed, and I want to really praise him for his courage and his energy in focusing on a project like this; but, more important, the overall effort designed to make the Congress more thorough in the way in which it does its budgeting.

Second, I really want to thank the Committee on Rules for giving us an opportunity to offer this. Hopefully, it is a new spirit of some bipartisanship when it comes to this.

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

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, Members of the House, let me thank the gentleman from New York for yielding to me.

I know not yet how I am going to vote on the rule. I should vote "no" as a protest because of the failure of the Committee on Rules to see the wisdom of the amendment that I wanted to make in order.

Mr. Speaker, I predict that the Congress of the United States will fail to meet its budget deadline created by the Congress for the control of the Congress, for the benefit of the Congress and the American people, to be completed by September 30 of each fiscal year so that the next day, October 1, we can begin with a new budget and a new wave of freedom for the American people to be able to express their wills and desires through the budget process. But, no, year after year on September 30 we begin the process of indulging in temporary stopgap resolutions, the continuing resolutions that carry us for 30 days or 40 days and then another one for 15 days. Meanwhile a lot of mischief is done by Members of Congress, special interests get involved, no one knows what is in the budget, and on midnight or 3 o'clock in the morning on New Year's Eve, in a drastic, last-minute session, we pass an overwhelming budget. The people want us to stop that kind of chicanery.

My proposition, the one I offered to the Committee on Rules yesterday, is a simple one which would say that on September 30, if a budget has not been completed by the Congress of the United States, then the next day automatically last year's budget will go into effect as a continuing resolution until the Congress should act.

That will end the shutdown of Government or the threat of a shutdown of the Government forever, and it is one—a proposition which almost every Member of Congress says we should have but simply will not, they will not buckle down to the job that I offered them that can be done through the adoption of this way of doing things.

The Republican rules package that was offered on the first day of the session had in it a proposition that would allow for such a rule, that would say that a CR would come into effect on October 1 if, on September 30, we have not done our collective job in preparing an appropriation.

That was a good step forward. This proposition is backed by the chamber of commerce, by the small businessmen, by taxpayers unions, by all kinds of organizations who see it as a good-government entity to allow such a proposition to take hold in our budget process.

Mr. Speaker, I urge Members, I know we cannot do it and I probably will support the dire emergency appropriations, but I urge the Members to keep it in mind. I intend to go before the Committee on Rules on every conceivable fiscal matter that comes up before them to press this point and ask for some future help from the members of the Committee on Rules and other Members on this proposition.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas, [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I am here to lament that the Committee on Appropriations, on which I serve, chose not to include an incredibly fantastic program in this bill. They chose to continue our public housing programs like they are and like they have been in the past, keeping them in a welfare culture and not empowering the people who live in public housing to pull themselves out of this culture.

We have an amendment that will be offered today, by Congressman KOLBE and Congressman MORAN of Virginia, that would provide for $500 million to the new HOME Housing Block Grant Program to expand housing assistance to more than 35,000 needy Americans; $165 million for the HOPE Program, the Home Ownereship and Opportunity for People Everywhere Program, to promote home ownership opportunities for low-income residents in public and assisted housing; and $122 million for the Shelter-Plus Care Program for service-supported housing for the homeless.

This is a budget-neutral amendment because it is shifting money from other categories with HUD to this program. This legislation transfers funds from the public housing new construction, and programs slated to be terminated under the National Affordable Housing Act.

With public housing already experiencing a 27,000-unit backlog, with new construction of public housing taking almost 5 years to complete and costing twice as much as other forms of housing assistance, and with merely 100,000 units of vacant public housing, it is reasonable and justifiable to transfer these funds to the HOME block grant, which would provide immediate assistance to the poor, and a predictable flow of funds to nearly 300 States, cities, and towns.

What we are trying to do here is empower people to have the dignity that comes from owning their own home or being a part of a tenant-management system managing their own housing projects.

We have proven this through the pilot projects all across this country. If you give people home ownership, the chance to manage their own housing, that housing is cheaper and they are kept up. These people have more dignity and pride in what they are and who they are and pull themselves out of the ghetto.

This bill does not fund these programs. We are interested in people, not buildings or programs. We want to empower people to have their own homes and to manage their own housing projects, to pull themselves out of the gutter.

So if you believe in people, my colleagues, then you will vote for the Kolbe-Moran amendment when it is offered.

□ 1100

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. WEBER].

Mr. WEBER. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding this time to me.

Mr. Speaker, I want to address basically the same subject as the previous speaker in the well, the gentleman from Texas [Mr. DELAY], and I want to begin by extending a real heartfelt thanks to the Committee on Rules for making the Kolbe-Moran amendment in order today.

As a member of the Committee on Appropriations, I understand that we usually try to bring these bills to the floor with a minimum of amendments in order. I generally, frankly, support that approach, but in this case I think that the Committee on Rules has done a great service to the Congress and the country by allowing the gentleman from Arizona [Mr. KOLBE] and the gentleman from Virginia [Mr. MORAN] to offer an amendment to the HUD-independent agencies bill.

The gentleman from Texas [Mr. DELAY] made some important points about the substance of the amendment. Other Members this afternoon in the debate will elaborate on that. I am going to be fairly brief on my remarks. I just want to make a couple of points.

First of all, the approach that Secretary Kemp and President Bush have asked us for in housing is a bipartisan approach. No one in this House should feel as if one party is trying to beat out the other on this issue. Basically the HOPE and the HOME innovations were passed in the Cranston-Gonzalez legislation by overwhelming bipartisan majorities. The Congress has addressed itself to this issue, and they have said, "We want to go in this direction. We want to go in the direction of innovation of private ownership and management of public housing facilities."

The committee report in and of itself is not critical of HOPE and HOME. The committee report says that the committee has not included funding for any new housing initiatives. This action was taken without prejudice. There is really not any opposition to the substance of the proposals that have been voiced, and the Committee on Rules and the Committee on Appropriations are, frankly, to any significant extent in the full Congress. Why then do we not have any funding at all in the HUD-independent agencies bill for these important initiatives?

Mr. Speaker, it really comes down to a question of timing. The members of the HUD-Independent Agencies Subcommittee basically have argued to us that they are supportive of the programs. They intend to take a hard look at them next year. But there is not room in this year's bill for them.

Mr. Speaker, my colleagues, I say we have an opportunity today. We all sat and listened to the President last night talk to us and challenge us as a Congress about the next 100 days, and he listed a large number of initiatives. This is an initiative where the Congress can claim genuine partnership with the President, and we ought to be able to say we can do something right now, not within 100 days, but literally within 24 hours of the President coming to us. We can say that we have funded a major new housing initiative in the Congress of the United States with excellent opportunities for funding on the Senate side. I do not think that we ought to allow questions of timing to prevent us from acting forthrightly today. The regulations by the Department of Housing and Urban Development have been promulgated. The States are already inquiring of the Department about their ability to participate in this program. The President has challenged us to act.

Mr. Speaker, this Congress has already said it wants to go down this path. Let us not delay any longer. Let us take up that challenge and pass the Kolbe-Moran amendment today.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to a distinguished member of the Committee on Appropriations, the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I thank my colleague, the gentleman from New York [Mr. SOLOMON], for yielding, and I take this opportunity to say I will support this rule.

However, Mr. Speaker, I am disappointed in this rule. The Subcommittee on Energy and Water Appropriations took $140,500,000 out of the request, the supplemental request, last week, and immediately after the markup started hearing from the Secretary of Defense, the Secretary of Energy, the President's Mr. Scowcroft, all saying this was the wrong thing, to reduce this account which was a cleanup for Rocky Flats, CO. I appeared yesterday before the Committee on Rules asking for the opportunity to reverse, take the money back out of one account, and put it back in for the cleanup of Rocky

Flats, CO, where there is an environmental threat and safety threat.

Mr. Speaker, the work has to be done. The Committee on Rules did not allow that, but fortunately we have been able to work out a compromise this morning where that work will continue.

This is once again where we in Congress try to micromanage the Department of Defense. It was done for years, but thank goodness the President last night spoke very proudly about the accomplishments of the United States and the success of the Persian Gulf war and a proud nation, a grateful nation, watched, as did an appreciative world. It was a success because we had provided the military with the finest equipment available and the best training, and the young people fighting over there did not have their hands tied by Washington, as has happened in the past. It was not micromanaged, or we probably would still be fighting.

But I am disappointed. Congress is once again trying to micromanage the Defense Department, but fortunately I think we do have a compromise worked out where we now can clean up Rocky Flats, CO, resume the timely plutonium operations, and keep production that is very vitally needed.

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. MCEWEN], a member of the Committee on Rules.

Mr. MCEWEN. Mr. Speaker, I rise, too, in support of this rule and just to add additional comments that were mentioned earlier by the gentleman from Minnesota [Mr. WEBER] and others. That has to do with the question as to the timing of the importance of the HOPE Program in allowing the privatization of many of our housing projects across the Nation.

We are all fully aware that this has been around the Congress for many, many years. This is a pattern on the privatization program of Margaret Thatcher, which at one time nearly 60 percent of all the housing apartments in the city of London were controlled by the Government, and what she suggested was to those, rather than being held into that position of not being able to purchase a home, to allow them to purchase that privately, and then suddenly a very interesting thing began to happen, that those housing projects where the screen doors were torn off and where the windows were broken, that, as they began to purchase them, suddenly, not only did they come off the Government subsidy roll, but they went back on the private tax rolls, and then those people that instead of waiting for some Government repairman to come and repair the screen door, they began to repair them themselves with private ownership, and suddenly flowers began to appear in the boxes in the window, and indeed the whole complexion of London began to change. Now the Socialist Labor Party was strongly opposed, and they said:

> This is terrible that these people that are trapped into these homes should be left there for generation, after generation, after generation, and the idea that they would own their own property and have a piece of opportunity themselves was certainly anathema to what the Socialist Labor Party believed in.

And yet, as those homes began to be marketed, and as the money began to flow into the treasury, and the subsidy rolls began to drop off, and the property taxes began to come up, and the value of the property began to rise, the political activities were such that more than half of those homes were sold to private ownership, and the Socialist Labor Party in their 1987 conference said that, if they were to get power again in Britain, that they would continue the privatization program because it had been so popular.

And in this country we understand about the America pie. We understand about private ownership of property. We understand about the hope of individuals having the opportunity to themselves own a home, and indeed where it has been allowed to work on a pilot basis; Kimi Gray, right here at the Kenilworth project, and so many others across the country, where those people that were previously trapped into poverty, unable to own a home, unable to have their own private investment of their own capital stock worth, discovered that when they were able to control it themselves so that rather than depending upon some government agencies to come back 5, 6, 7, 8 months later and repair the windows, or to repair the toilet that was stopped, or repair the damage in the hallways, but when they themselves owned it and when they themselves began to have an interest and a personal concern, how much better their standard of living was and how much better their life style was, and, indeed, how much better America was because of these improvements.

Now that program was debated extensively. It has been heard in the Housing and Urban Affairs Committee. It has been heard in the Committee on Banking, Finance and Urban Affairs. It was debated at great length on the floor. As my colleagues know, it has been discussed on the floor for many, many years, and in fact it was debated extensively during the last Congress, and under the leadership of Mr. CRANSTON in the Senate, and under the leadership of Chairman GONZALEZ in the House. The Cranston-Gonzalez bill was crafted, and indeed this program is ready to move forward.

The question is: How do you get money for this kind of thing, and so, rather than asking for more money or more taxes, the Secretary of Housing and Urban Development said;

> Here's what I'll do. I will take some funds that I have over here, and I'll move them to get this program off the ground, to get it moving for the benefit of those that are trapped in poverty in the inner city. Congress has approved it, the President has signed it, the debate has been taking place. Let me supply my own funds.

Under this amendment that will be heard today under the gentleman from Arizona [Mr. KOLBE], very simple it says:

> No new dollars from any taxpayer. It will be within the Department of Housing and Urban Development where their priorities are matching those of the 101st Congress so that in the 102d Congress we can move forward.

There will be a certain amount of debate by those that lost on the floor here last year. For those who lost the debate on its merits will now want to say we can now trap it and constrain the Congress even though it was overwhelmingly approved in both the House and the Senate and signed by the President.

□ 1110

If we can just control the moneys, then nothing will never happen.

This morning on channel 5, you may have seen the Secretary of Housing and Urban Development discussing this very activity. He said as a former member of the Committee on Appropriations, he was pleading with his friends to not use this tactic to deny the will of the Congress. So I would encourage all Members in the House to act as they acted last year, to join that vote with the money, not from new taxes, not from new spending, but allowing the priority shaper of the Department of Housing and Urban Development, the Secretary himself, to make those allocations, to get this program moving, for the benefit of the poor, for the benefit of those trapped in the inner city, for the benefit of those who pray every day that someone will come and turn the heat on in those housing developments, and will clean up the broken down cars in the parking lots, will do the things, because they do not own it, they do not have the authority. They are under the mercy of this housing authority. And we want to move beyond that.

I urge Members to support the Kolbe amendment.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. MCGRATH], a member of the Committee on Ways and Means.

Mr. MCGRATH. Mr. Speaker, I rise today in full support of H.R. 1281, providing supplemental appropriations for fiscal year 1991 and that which will follow.

I am especially pleased that the Appropriations Committee included language that directs the administration to spend previously appropriated fiscal year 1991 funds for the remanufacture

of 12 F-14 fighter aircraft. For months now, the Grumman Corp. has teetered on the edge of collapse, left in limbo by the Department of Defense who refused to relinquish congressionally approved funding for the F-14 remanufacturer program.

Mr. Speaker, my arguments in favor of the F-14 are the same as when I first came to Congress in 1981. In my mind, there is no better first line of defense against enemy air attack than the F-14. It has distinguished itself in Operation Desert Storm, and during several other periods of heightened alert of U.S. Naval Forces. In short, the F-14 is a proven fighter—an asset in the defense of this country, and a genuine deterrent to those who attempt to penetrate our carrier battle groups.

My concern at this time, is with the Grumman Corp. Plain and simple: If no funds are included for the F-14 in fiscal year 1991, Grumman will be out of the aircraft business. When the A-12 program was terminated, steps were taken to preserve the industrial base of General Dynamics, and McDonnell Douglas, even after these companies were cited for poor performance in the research and development of the A-12. Now, Grumman is facing a situation where it will be forced to shutdown all of its defense production lines, marking an end of a era—a glorious era, of Grumman naval aircraft.

Without the legislation that is before us today, Grumman will be out of the prime aircraft manufacturing business in a matter of a few months. Despite many studies performed by the Navy that verify that the F-14 is the most capable aircraft to perform future Navy missions, despite a rich history of performance, the F-14, as we know it, will no longer exist.

We all know that slicing the DOD pie becomes even more difficult, especially with a pie that keeps shrinking every year. Yet, as systems and programs are cancelled, we cannot lead entire corporations through the gauntlet of shutdowns and bankruptcy.

In closing, I want to thank the members of the Appropriations Committee who voted to support the F-14. Now, I am urging all Members to vote to keep the F-14 a viable option for the Navy, and this country's overall defense scheme. Eliminating the F-14 will have wide repercussions beyond this fiscal year—it will lead to the shut down of one of America's premier defense contractors.

Mr. FROST. Mr. Speaker, might I inquire as to the time remaining?

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Texas [Mr. FROST] has 22 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 3 minutes remaining.

Mr. FROST. Mr. Speaker, we have no additional speakers on our side.

Mr. SOLOMON. Mr. Speaker, if I might, I wanted to yield 3 minutes to the gentleman from California [Mr. DREIER], and close with 1 minute myself.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DREIER], a member of the Committee on Rules.

Mr. DREIER of California. Mr. Speaker, I have to begin by extending my appreciation. I would like to think of the 3 minutes I am going to be taking here, that 1 of those 3 minutes has come from the Democratic side. I appreciate that. The distinguished ranking member of our committee, the gentleman from New York [Mr. SOLOMON], thinks that possibly there was an addition error made up at the Chair. I am not going to pass judgment on that.

□ 1115

Mr. Speaker, I simply want to say that I am very pleased with the rule which has come forward. This has not been the first provision that I have had as a new member of the Rules Committee, but it is among the first ones, and I hope that it is the beginning of a trend which will move us away from restrictive rules which we have seen in the past several years.

It is my hope that as we look at some of the issues before us that we are able to put together bipartisan support for some of these amendments. I think one of the most important ones is the amendment to be offered by my friend, the gentleman from Arizona [Mr. KOLBE].

I served on the Committee on Banking, Finance and Urban Affairs for many years until I got the appointment to the Rules Committee, Mr. Speaker, and during the last authorization bill on the housing issue we were able to get support for the HOPE Program, the HOME Block Grant Program, and the Shelter Plus Care Program. There was concern raised when we got into the appropriations process by the chairman of the Appropriations Committee on housing, the gentleman from Michigan [Mr. TRAXLER], that the regulations dealing specifically with these programs had not yet been promulgated by the Department of Housing and Urban Development. He indicated at that time that when those regulations would be forthcoming, we would make the change that is necessary so that we could transfer from some of these antiquated boondoggle housing programs of the past which have been proven failures to this more innovative approach which President Bush talked about last night and has been talking about in his domestic issues package.

Mr. Speaker, this amendment is one which is worthy of the support of every Member of this House. As we look at these programs, I am convinced that we have the potential to benefit four, maybe as many as five times as many people who are in need of assistance through this innovative approach, and I think that it is crucial for us to recognize that our goal is to help those who are truly in need. And the regulations have to come forward.

Some say why is it that we are dealing with this in a dire emergency supplemental appropriation bill? The reason is that it is not going to cost a nickel. We are simply transferring funds from the outdated programs to these new innovative programs.

Several other amendments in here are worthy of consideration.

Mr. Speaker, I have to say again that it is a privilege to work under the leadership of the gentleman from New York [Mr. SOLOMON] and to be working with the gentleman from Massachusetts [Mr. MOAKLEY], the gentleman from Texas [Mr. FROST], the gentleman from South Carolina [Mr. DERRICK], and the other members of the Rules Committee who have very generously welcomed me upstairs, and I look forward to dealing with a wide range of rules. I hope that the rest of them are as open to consideration for all of our colleagues for their provisions as this one is.

Mr. Speaker, I want to thank Chairman MOAKLEY and the ranking Republican on the Rules Committee, Mr. SOLOMON, for their leadership in constructing a reasonable rule for such a complex piece of legislation. I'm disappointed, of course, that the rule does not make in order a couple of Republican amendments. But I am hopeful that this is the beginning of a trend away from the use of restrictive rules that deny Members, particularly on this side of the aisle, the opportunity to improve substantive legislation.

As a result of this rule, we will have the chance to vote on an amendment by my colleague from Arizona [Mr. KOLBE], to fund the administration's HOPE, HOME, and Shelter Plus Care Programs. Over the past several months, in light of the President's proven ability to address national emergencies abroad, many of my colleagues on the other side of the aisle have challenged the President to come up with programs to address domestic emergencies. With the help of Secretary Kemp, the President has done just that.

HOPE, HOME, and Shelter Plus Care offer innovative solutions to the problems of homelessness and housing affordability for low-income Americans. For the same $500 million, the HOME Block Grant Program will serve 30,000 more families than new public housing, which itself will require billions more in the future to protect tenants from drug dealers and gang violence.

Over the past 2 years, these programs were debated thoroughly and were enacted as part of last year's housing bill. Secretary Kemp has jumped through hoops to address all of the concerns raised in this Chamber. Implementing regulations are in place, and there's no longer justification to hold up funding.

This rule will also deny sanctuary for those who want to reduce badly needed and already obligated transportation funds for several

States, including California. It will also make in order an amendment by my colleague from Kansas [Mr. SLATTERY], to rescind the $500,000 in Federal funds for the proposed Lawrence Welk Museum. While I appreciate the contributions Lawrence Welk made to American entertainment, I plan to support the Slattery amendment because turning Welk's North Dakota home into a museum is not a taxpayer priority.

Finally, I strongly support Mr. STENHOLM's motion to strike language that would prohibit the Labor Department from implementing regulations to permit contractors on federally funded construction projects to use semiskilled helpers. This provision will cost the taxpayers $500 million, money that could be spent for more urgent needs.

Again, I want to congratulate Chairman MOAKLEY and Mr. SOLOMON, and urge support of this rule.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for his cogent remarks.

Mr. Speaker, I would like to apologize to you. I was going to give you an adding machine for St. Patrick's Day to honor your Irish heritage. But I found out that the error is with my staff, so I will give the adding machine to them.

Let me just close by urging all Members to support this rule. I want to again thank Chairman MOAKLEY and the gentleman from Texas [Mr. FROST] and the majority for their fairness in producing this rule, which is a fair rule.

Again, the budget waivers, for those who might be concerned about them, are technical in nature. That is verified by both Chairman WHITTEN and the Appropriations Committee Republicans as well as by the Budget Committee. I would urge support for the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 1282, SUPPLEMENTAL APPROPRIATIONS AND TRANSFERS FOR OPERATION DESERT SHIELD/DESERT STORM FOR FISCAL YEAR 1991

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 104 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 104

Resolved, That all points of order for failure to comply with the provisions of clause 2(1)(6) of rule XI and clause 7 of rule XXI are hereby waived against consideration of the bill (H.R. 1282) making supplemental appropriations and transfers for "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1991, and for other purposes. During consideration of the bill, all points of order against provisions in the bill for failure to comply with the provisions of clauses 2 and 6 of rule XXI are hereby waived.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 104 waives points of order against certain provisions of H.R. 1282, Operation Desert Shield-Desert Storm Supplemental Appropriations Act of 1991. This rule does not provide for the bill's consideration since general appropriation bills are privileged under the rules of the House. This rule, therefore, does not contain any provisions relating to time for general debate. Customarily, general debate will be limited by a unanimous-consent request by the floor manager when the bill is considered.

House Resolution 104 waives clause 2(1)(6) of rule 11 which requires a 3- day layover of committee reports prior to their consideration as well as clause 7 of rule 21 which requires the relevant printed hearings and report to be available prior to consideration of a general appropriation bill.

The rule also waives against provisions in the bill, clause 2 of rule 21, which prohibits unauthorized appropriations and legislative provisions in general appropriations bills. Finally, the rule waives provisions of rule 21, clause 6, which prohibits reappropriations or transfers in general appropriation bills, against provisions in the bill.

Mr. Speaker, H.R. 1282 establishes a Persian Gulf regional defense fund in the Treasury to pay for the incremental costs of Operation Desert Shield-Desert Storm. This bill appropriates $15 billion from the Treasury to the defense fund and also appropriates to the defense fund such sums as necessary for current and future balances in the defense cooperation account. Foreign countries have so far pledged $53.5 billion in cash and in-kind assistance. At the present time $12 billion in cash and $2.7 billion of in-kind assistance has been received. The bill transfers up to $42.588 billion from the defense fund to specific accounts including: $7.9 billion for military personnel; $25 billion to cover operation and maintenance costs; $2.9 billion for procurement; and $6.3 billion to cover the estimated costs of actual combat operations.

Mr. Speaker, I would just like to take this opportunity to say how proud I am of all of our American troops who serve in the Persian Gulf. Their bravery and skills are to be commended.

As a South Carolinian, I am especially proud a large number of those serving in the Persian Gulf are from units based in South Carolina. Military units from my congressional district serving in the Persian Gulf include the Aiken-based 450th Ordnance Division Army Reserve Unit, to the Army National Guard's 265th Quartermaster Detachment in Allendale, and the Army Reserve's 371st Chemical Unit based in Greenwood.

I am always proud to be an American, but I have never been prouder than today. Our country, and the men and women who serve in the Armed Forces, demonstrated that freedom is not simply a motivator, it is the essential ingredient to the human spirit.

Mr. Speaker, the measure before us is one of great significance. This rule will allow for its expeditious consideration and I urge its adoption.

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

Mr. Speaker, I am very pleased to join with the gentleman from South Carolina in urging all of our Members to support the rule. I also urge all Members to support the bill that this rule makes in order.

I must be quite candid and say that this rule is of the kind that I usually must oppose because of the numerous waivers that it contains. The waivers include the 3-day layover, the requirement for hearings to be printed, and prohibitions against reappropriations, unauthorized appropriations, and legislative language. All of what I normally would stand on this floor and fight against.

But Mr. Speaker, if a rule such as this is something I would ordinarily criticize, let me also say this: Within the context of all of the events we have witnessed during the past 8 weeks, this rule makes sense. So I urge the Members to support the rule.

The rule will facilitate the consideration of H.R. 1282, making supplemental appropriations for Operation Desert Storm-Desert Shield.

Mr. Speaker, it was only 8 short weeks ago today that the House began its historic debate that culminated in the passage of a resolution that authorized President Bush to use force in support of the U.N. resolutions calling for the eviction of Iraq from Kuwait.

The swift and overwhelming success of Operation Desert Storm marked a very decisive turning point in our own history as a Nation, and I trust in the history of the entire world—especially in the troubled, volatile Mideast area.

Mr. Speaker, the bill we will consider today appropriates $15 billion for a new account called the Persian Gulf regional defense fund. The bill allows for

the appropriation and transfer of funds to this new account from another new entity known as the defense cooperation account. This is the account that contains the money that our coalition partners and other allies are contributing to Operation Desert Shield and, then, Operation Desert Storm.

The bill sets a cap on the incremental costs of Operation Desert Shield-Desert Storm at approximately $42.6 billion.

Mr. Speaker, H.R. 1282 is a necessary and appropriate step to take at this time. The swift completion of Operation Desert Storm would seem to assure that the entire cost of our military operations in the Persian Gulf will stay within the overall limit set by this bill.

In concluding my remarks, Mr. Speaker, I would like to read the preamble of the Appropriations Committee's report on this bill which we will be considering in a few minutes. These words from the Appropriations Committee speak I am sure for all Americans. I quote:

> The committee takes this opportunity to express its pride in the outstanding valor, professionalism, commitment, and tenacity of the men and women who served in Operation Desert Shield/Desert Storm.
>
> The sacrifices they endured, the skill with which they carried out their duties, the courage which they displayed in conducting operations, and the totality and swiftness of their victory is a source of enormous pride to all Americans. The Middle East and the world will be safer and more peaceful because of their sacrifices.

Mr. Speaker, no one could have said it better, I would say to Chairman WHITTEN. I would certainly urge all Members of this House to support this rule and the bill to follow.

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

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1130

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1281, a bill making dire emergency supplemental appropriations for fiscal year 1991 and for other purposes, and that I be permitted to include tabular and extraneous material.

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

There was no objection.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR OPERATION DESERT SHIELD-DESERT STORM, FOOD STAMPS, UNEMPLOYMENT COMPENSATION ADMINISTRATION, VETERANS COMPENSATION AND PENSIONS, AND OTHER URGENT NEEDS ACT OF 1991

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1281) making dire emergency supplemental appropriations for the consequences of Operation Desert Shield-Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania [Mr. MCDADE] and myself.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from Ohio [Mr. ECKART] as chairman of the Committee of the Whole, and requests the gentleman from South Carolina [Mr. DERRICK] to assume the chair temporarily.

□ 1131

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 1281, with Mr. DERRICK (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

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

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

My colleagues, it was a real pleasure to join with you in the tremendous show of appreciation to our President, our military leaders, and our troops last night.

I believe this meant more to me than to many. I became a member of the Appropriations Committee and a member of the Subcommittee on Naval Appropriations 14 months after I came to Congress. In World War II, as a member of the Appropriations Subcommittee for Navy, I was around the world in practically all theaters of the war with top naval officials. I was on Guam and the Philippines with General MacArthur; in China with Gen. Pat Hurley, flying over the hump to get there. I was with our troops in Iwo Jima 10 days after the flag raising on Mt. Surabachi. We were in Europe, Asia, and Africa, and our group was in Frankfurt, Germany, when our troops were to have gone into Berlin, but stayed out by agreement with Russia.

In 1956, I toured Russia—we rode their highways, their railways, and their airlines, and visited factories and the University of Moscow; and my trip report was determined invaluable by the Secretary of Navy. We were in Poland for the Poznan trials, and have made many trips to our military in Europe and Asia since then.

I served on the Appropriations Subcommittee for Defense during the no win wars in Korea and Vietnam where our leaders said "we hoped to win by proving to them that they can't win."

Thus, it meant so much for our President to take his stand and I join with you in the praise he has received.

Today, serving my seventh term as chairman of the Committee on Appropriations, and continuing to serve on the Subcommittee on Defense, I have the duty and obligation to point out to you and the country what we must face up to on the homefront now that the fighting is over.

To those who lost loved ones we extend our deepest sympathy. Because of their sacrifice we are able, I hope, to plan for real peace.

We are here today to provide funds to meet the costs of Operation Desert Shield and Desert Storm, with foreign contributions to be used before U.S. funds are used.

However, our first order of business is to see that here at home we take such action as will keep our Government operating and prevent the present recession from going into a real depression.

Title I of the bill before you includes $151,113,000 for 16 agencies whose activities have been directly affected by Operation Desert Shield/Desert Storm. These include activities of the FBI, the Immigration and Naturalization Service, the Department of State, the Department of Commerce, the legislative branch, the Department of Veterans Affairs, the Bureau of Alcohol, Tobacco, and Firearms, the Secret Service, and the District of Columbia that have required additional overtime, extra security, counterterrorism, and the like.

It provides, by transfer from the defense cooperation account, $333,600,000

for procurement of missiles and ammunition as replacement of stocks. This is not an incremental cost of Operation Desert Shield/Desert Storm, but a consequence of that operation. In addition, $650,000,000 is included, at the request of the Administration, to assist Israel with costs that have been incurred in the Persian Gulf conflict.

Title II, the non Operation Desert Shield/Desert Storm emergency portion of the bill provides funds for several important programs including:

The sum of $270,000,000 for CHAMPUS costs due to relocation of military providers overseas;

The sum of $200,000,000 to reduce the backlog for rehabilitation of military equipment—trucks, tanks, aircraft;

The sum of $58,000,000 for development of a quick response program for the Patriot missile;

A $100,000,000 increase in the Federal payment to the District of Columbia;

The sum of $30,000,000 to the Bureau of Reclamation for California drought relief initiatives;

The sum of $482,500,000 for atomic energy defense activities;

The sum of $200,000,000 to process and pay unemployment compensation claims;

The sum of $25,000,000 to start the targeted initiative to reduce high infant mortality rates in urban and rural areas of the country;

A $232,000,000 increase in the limitation on Social Security Administration costs to implement the court decision on children's disability claims;

The sum of $100,000,000 is released from the Social Security Administration contingency fund to handle additional workload;

The sum of $1,500,000,000 for food stamps of which $1,300,000,000 is available only upon the receipt of an official budget request for a specific dollar amount;

The sum of $303,084,000 for veterans compensation and pensions for the comparability increase contained in Public Law 102-3 which was approved February 6, 1991.

The sum of $75,000,000 for public housing operating subsidy.

The committee also directs each department and agency to provide information that will be needed if we are to proceed with legislation to help work our way out of the recession. Information on activities that would lead to productive jobs in creating national assets that will have a long-term value such as highways, bridges, dams, flood control facilities, water resource development facilities, aviation facilities and equipment, housing, sewer and water facilities, educational facilities, and public buildings, as well as programs to offset the effect of natural disasters resulting from droughts, freezes, floods, and other catastrophes. This information will be available for any further legislation or appropriations.

Today we consider two supplemental appropriations bills—at a time when our national debt is estimated to exceed $4 trillion by October 1992, and thousands and thousands of our people are receiving notice that their job has been eliminated and they are unemployed.

At this time, I call attention to the fact that our Committee on Appropriations, with the support of the Congress, has held the total of appropriations $180 billion below the recommendations of our Presidents since 1945.

Our financial problems come from the passage of entitlements and entering into binding contracts which we have to pay and from allowing tremendous imports to compete with our domestic industry, plus the Tax Act of 1981.

With a debt of that size, I am convinced that the only way to meet it is to produce more than we need at home, move the surplus into world trade as we did for 48 years, and apply it on the debt, and return to using the Commodity Credit Corporation for the purpose for which it was created.

Instead of that, we seem to be headed the other way, giving up our domestic markets to foreign producers or American gone foreign depriving American labor of jobs.

We pay our farmers half price not to produce while the people of much of the world go hungry.

Lands lie idle, towns and villages are drying up, more and more people are moving into our cities to add to city problems, housing and homeless, drugs and law enforcement.

As thousands upon thousands receive notice that they are out of a job in practically all areas of the Nation, this appears the first step in preventing the present recession from becoming an all-out depression.

Thus, in this bill and report we call on departments and agencies to supply information to the committee for sound investments in national assets which will lead to productive jobs in the area over which such departments and agencies have jurisdiction.

Mr. Chairman, this is a good bill and I urge it be adopted.

At this time I call attention to the fact that, again, we on the Committee on Appropriations have held the line, but, unfortunately, much spending goes around our committee with entitlements and binding contracts which have to be paid. This leaves at this time, the amount of money in our total budget that is available for discretionary spending by the Congress on our recommendations at only about 16 percent of the total budget.

Mr. Chairman, we need to pass this bill and help prevent the recession from going deeper.

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

Mr. McDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1281.

This is the first of two supplemental funding bills that we will consider today. The one to follow is the single-purpose supplemental to deal with the military costs of Operation Desert Storm, authorizing expenditures in the order of $43 billion from allied and U.S. contributions.

The supplemental we are dealing with right now is much smaller, about $4.1 billion, covering a number of areas, with three purposes. It is intended, first, to deal with nondefense Desert Storm-related expenses. Second, it is to take on the annual task of addressing funding shortfalls and problems in the programs funded under the 13 appropriation bills that we passed last fall. Third, it is to meet shortfalls in entitlement programs, where spending is determined by demand for benefits, and last fall's estimates proved mistaken.

□ 1140

In another sense, this supplemental is about bigger issues. It is the first test as to whether Congress can live within the spending caps and budget enforcement rules that were passed as part of last fall's budget agreement. And it is about how Congress will acquit itself with respect to loopholes built into the caps, the two being the Desert Storm exception and the dire emergency exception. Many eyes are rightly upon the Congress to see how we live up to these tests.

As the chairman said, this is a $4.1 billion bill, about $600 million more than the administration requested. In title I, the administration requested $89.7 million in nondenfese discretionary spending: money for agencies like the State Department, AID, the FBI, and indeed all the the way down to the Capitol Police and others for increased cost of security and antiterrorism during the war. These are designated as emergency requirements, and under last fall's budget agreement, are exempt from spending caps.

The administration and Congress reached an accord with Israel to provide $650 million for its extra war costs, and just before the full committee markup on Tuesday, indeed at the very last second, that was offered on a bipartisan basis and included in the bill.

The committee endorsed most of these requests, but then it went on to add $58 million for the Veterans' Administration and $8 million for the Department of Commerce. The Office of Management and Budget, after taking a preliminary look at those particular add-ons said that only $12 million in

the VA is acceptable to them as an additional expense arising from a true emergency under Desert Shield-Desert Storm.

That means that the remaining $54 million, in combination with the funding in title II, could put the bill over the spending caps, and, under the terms of the Federal budget agreement, result in an automatic across-the-board sequestration on all discretionary programs to bring the spending back within the caps.

Lesson No. 1, the spending caps meant to enforce restraint are holding. Lesson No. 2, as the bill moves to the conference with the Senate, and into conference committee, Congress will have to decide whether to reduce these accounts or let that sequestration fall across the domestic discretionary accounts.

Title II contains the usual catchall discretionary supplementals, as we examine what we did last year in all the 13 appropriation bills and discover problems or find shortfalls.

Under the budget agreement, these have to fit within the 1991 spending caps. And we had some room: about $500 million in domestic programs, and about $1 billion in defense programs.

The administration requested $930 million in additional funding for things like $100 million for unemployment insurance; $232 million needed for a Supreme Court decision on disability benefits to children; $75 million for the Judiciary; and $155 million for expiring section 8 housing contracts.

Predictably, the committee has increased those requests up to the limit of about $1.5 billion, and the increases are for things like an additional $100 million for unemployment insurance; $100 million in additional Federal payment for the District of Columbia; $75 million for public housing subsidies to cover higher energy costs; $30 million for the Bureau of Reclamation to cover the drought around the country; $25 million for infant mortality initiatives; and $500 million for defense programs such as CHAMPUS, the military health program, and depot maintenance.

The committee also decreased some requests, notably in committee, $140 million was cut out in funding for the resumption of plutonium production at Rocky Flats in Colorado. I am advised, as we meet on the floor, that our colleague, the gentleman from Indiana [Mr. MYERS] has been working with that issue, and we can expect to see a compromise amendment, which will add back some monies into the Rocky Flats program as the bill proceeds, and we will therefore make a corresponding effort to stay within the caps. I commend my friend, the gentleman from Indiana, for his forthright and diligent work in achieving that compromise.

Second, the administration and our friend and former colleague, Secretary Kemp, failed to get any funding on new housing initiatives authorized in last year's housing bill, and requested by Secretary Kemp. There will be amendments, I believe, to address that issue as we go along.

But overall, with a possible exception of that amount of money for the VA that I described, the funding is within the fiscal year 1991 spending caps, and the caps are holding.

Finally, the bill provides $1.8 billion in new entitlement spending: $300 million for veterans COLA's that we passed earlier this year; and $1.5 billion under the Food Stamp Program. Those are mandatory items.

Mr. Chairman, while this bill is not perfect, it is a reasonable effort, in my judgment, to meet existing needs within the confines of last year's spending restraint mandated by the budget agreement that we all worked so hard to achieve. There will be attempts to perfect this bill through the amendment process as we go along, and there will be the opportunity to work out some disagreements over what constitutes an emergency, as the bill goes through the process. I am prepared, Mr. Chairman, to support it, and I ask my colleagues to do likewise.

Mr. Chairman, on the issue of what the emergency needs of the VA are with respect to Desert Storm, I just received a letter from the Secretary of Veterans Affairs, which I will include for the RECORD.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, March 7, 1991.

Hon. JOSEPH M. MCDADE,
Ranking Minority Member, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. MCDADE: The Desert Storm war has generated much discussion about how to cover immediate costs of the war. Well-intentioned proposals affecting many Federal programs are surfacing everywhere. This is not only understandable but is absolutely appropriate. Department of Veterans Affairs programs are a natural focus of activity, and we expect logic and caution will guide the rush to legislate. VA does not seek money we can't spend, and we are even less interested in authorizations that set up false hopes we can't meet.

As we proceed in this post-war period, VA won't be blind to the need for practical adjustments here and there, but the fact is, veterans' benefits are in place and available to these newest veterans; there is no need for a new body of laws to repay them. Where U.S. veterans really need Congress's help is in implementing the progressive adjustments needed to fine-tune the present system, to clean up inconsistencies and ensure fairness. If we do that, and reduce the micromanagement that adds to costs and detracts from fairness, we will have accomplished a great deal.

For the record, we want to offer a factual explanation of VA's needs as a result of the war. In all honesty, VA's only truly immediate need is for additional resources so we can gear up for a large and sudden influx of new veterans seeking benefits. We got caught short after Vietnam, and we have no intention of allowing that to happen again. We estimate that $12 million will cover what we need to do in terms of staffing and support for our benefits offices. This, plus authority to transfer funds to our cemetery system, will fill the bill.

Our medical system absorbed about $3 million in costs preparing for potential casualties. Up to this point, we have received fewer than a dozen patients from the Gulf. Even if we receive more in coming weeks, we can absorb any further costs in our $12 billion medical budget. We have submitted legislation to make Gulf War veterans eligible for readjustment counseling at Vet Centers, and would recommend our proposal over any other that would expand eligibility for counseling.

Our big job now is to make sure we can deliver existing benefits and services quickly and effectively over the next weeks and months. You may be assured of our commitment to do just that.

Sincerely yours,

EDWARD J. DERWINSKI.

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

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I rise in support of this legislation, H.R. 1281, the Dire Emergency Supplemental Appropriations Act of 1991.

I would especially like to thank my good friend from Alabama, the chairman of the Subcommittee on Energy and Water Development, Mr. BEVILL, and my California colleague, Mr. FAZIO, for their assistance in securing a provision in this legislation to permit the U.S. Army Corps of Engineers to utilize funds appropriated in fiscal year 1991 for preconstruction engineering and design of the Los Angeles-Long Beach Harbors project for completion of the feasibility study for this project.

Our subcommittee chairman will recall, Mr. Chairman, that when we passed the 1991 energy and water development appropriations bill, he included $250,000 to complete the Corps of Engineers' feasibility study of phase 1 of the Los Angeles-Long Beach 2020 expansion plan. However, the Environmental Protection Agency [EPA], in the normal process of reviewing the project's environmental impact statement [EIS], required the Corps of Engineers to proceed with additional, and unanticipated, work with the EIS which exceeded the $250,000 appropriation for 1991. Because of this additional work to respond to the EPA's concerns, the corps now estimates that it will take an additional 6 months and $900,000 to complete this study once and for all.

Today's House action will simply enable the Corps of Engineers to use already appropriated funds for the initiation of preconstruction engineering and design for the Los Angeles-Long Beach Harbors project for the completion of the feasibility study. And, as I have already said, the corps will need approximately $900,000 to complete its work.

Again, Mr. Chairman, I thank the subcommittee chairman and his fine staff, for all their assistance with this matter.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I rise to commend the members of the Committee on Appropriations for the expedited consideration given to the President's request for emergency funding for the Desert Storm-related activities.

I want to remind Members, however, that the bill contains certain items which the President has not designated as emergencies. According to preliminary administration estimates, the additional nonemergency funding would cause the domestic discretionary budget authority limits, set last fall, to be exceeded by roughly $53 million.

Thus, if enacted, the bill would cause a $53 billion sequester in fiscal year 1991 domestic discretionary programs.

The President has also expressed concerns about several items in the nonemergency section of the bill. In lieu of the unrequested $75 million for public housing operating subsidies, the administration would prefer adoption of its proposal to reprogram housing funds for the HOPE, HOME and Shelter Plus Care Programs.

I certainly intend to support the gentleman from Arizona, Mr. KOLBE's, amendment that will implement the President's housing initiative. These programs represent new innovative approaches to address the affordable housing needs for low-income residents, agreed to by Congress last year in the Cranston-Gonzalez Affordable Housing Act.

These new programs should, of course, now we funded.

Finally, the President has additional concerns with inrequested defense spending in a nonemergency title and with several language provisions. I support the measure today so that we can move the process along quickly. I hope, however, that the administration's concerns will be addressed in the amendment process and in the conference with the other body. Let Members learn a lesson from this experience. We abuse language so much here that we tend to forget that the word emergency has a specific legislative meaning.

□ 1150

Let us not have that word "emergency" fall victim to semantic inflation.

I thank the gentleman for giving the leader the opportunity to make these few comments relative to clarifying the position of the administration, and I applaud the gentleman and his committee again for what they have done.

Mr. WHITTEN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I want to express how pleased I am to be in the well following my good friend, the gentleman from Illinois [Mr. MICHEL], and to echo his sentiments and to commend the chairman of the Committee on Appropriations for the expeditious manner in which the committee has conducted itself. It is getting more frequent that I am joining with my colleague, the gentleman from Illinois [Mr. MICHEL] in pointing out some of the harmony that exists now with respect to working our legislative will.

I truly want to commend the distinguished chairman of the Appropriations Committee along with members of his committee for their swift action providing critical administrative funding for the Unemployment Compensation and Social Security Programs. With growing caseloads resulting from a major Supreme Court decision and rising unemployment, these appropriations come at a critical time for the Nation's unemployed workers, the aged, blind, and disabled, and in particular for disabled children.

As unemployment has risen during the recession, long lines of claimants have formed at unemployment insurance offices and benefit checks have been delayed. The additional $200 million appropriated for administration of the unemployment insurance system should help ease the burden of increased caseloads and delays in the system.

In addition, the committee appropriated $232 million to implement the Zebley Supreme Court decision, which requires liberalized criteria for assessing children's disabilities under the Supplemental Security Income Program. Given these children's urgent needs and the lead time required to train disability examiners, the committee's rapid response will facilitate timely action by the Social Security Administration on this very important issue.

Finally, the Social Security system is burdened by critical problems in three areas. First, SSA's backlog of unprocessed disability claims is rising. As a result, the agency is now holding more than 60,000 applications in boxes and on shelves across the country on which no action whatsoever has been taken. Second, SSA is experiencing busy rates in excess of 50 percent on its 800 telephone number for beneficiary assistance. Third, the agency's general funding crisis has left it short of basic supplies such as applications, forms, and Xerox paper, and unable to make repairs in office equipment. By releasing $100 million from the contingency reserve, this dire emergency appropriation will equip SSA to deal with their critical needs.

Again, I commend Chairman WHITTEN and the Appropriations Committee for moving so swiftly in providing the requisite administrative funds for these critical programs so that those who need help will receive it in a timely and efficient manner.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Chairman, I thank my colleague and good friend, the gentleman from Pennsylvania, for yielding me this time. I will be as brief as possible.

I spoke earlier about the confusion in part of the bill, the defense section. Something that most people do not realize is that the Department of Energy is responsible for the construction, testing, and manufacturing of nuclear weapons for the Defense Department, as well as nuclear reactors for the Navy.

The administration, in a supplemental request, requested $283 million for cleanup of Rocky Flats, CO, which is just west of Denver. The old Atomic Energy Commission established Rocky Flats as a place to fabricate plutonium, uranium, beryllium, some stainless steel alloys into components for nuclear weapons and also for waste management and the reprocessing of nuclear weapons.

Nuclear weapons have what we call a half life. The effect of the weapon each year reduces it in half, so necessarily just for the effectiveness of the weapon they have to be reprocessed on a regular basis, and also they are very unsafe to handle because of the instability of nuclear fuel. So a facility was created in Rocky Flats to do this kind of job. This was back in 1952. It has gone on for almost 40 years.

In late 1989 it was found that the Rocky Flats installation of about seven buildings had a high concentration of plutonium in the duct work and elsewhere that had to be cleaned up. It was unsafe to continue operations there for the people who had to work in the plant, as well as the surrounding community and the environment. It was decided by the Department of Energy that no more plutonium would be manufactured there or reprocessed there until the cleanup could be accomplished; so during 1990 the cleanup work was started. It has been progressing since that time, but there comes a critical time right now when the Defense Department is needing plutonium for many reasons. Plutonium is used, of course, in nuclear weapons. Plutonium was also used in the highly effective Persian Gulf operations in the 30 millimeter Gatling gun used in the Warthog that penetrates tanks; so plutonium is needed badly at this time, the Defense Department calls them the Pits. The media calls it the trigger, that goes in the nuclear weapon.

I know some people are opposed to nuclear weapons, but we will never know what effectiveness the fact that we have nuclear weapons, not as large as those 20 years ago, but a more modern, cleaner, and effective nuclear arsenal, what effect it may have had on the fact that Iraq did not use the chemicals that they had, the nerve agents, and so forth; the fact that we have the nuclear weapons, I think, is a deterrent.

Nevertheless, it is required under the defense stockpile memorandum that we do modernize these weapons, and we are unable to fulfill this obligation unless we get Rocky Flats on line.

Rocky Flats, unfortunately, is the only place in the United States where this processing can be done; so it has been the intent and the hope of our Subcommittee on Energy and Water Development that we would continue the progress in making this a safe place to work and safe for the environment and to effectively start reproducing and reprocessing the weapons and coming on with the badly needed plutonium.

The administration did request $283 million. Our subcommittee reduced that to $142,500,000. Immediately following that, the Secretary of Energy, the Secretary of Defense, Mr. Scowcroft and many others have called and said, "You did the wrong thing. We cannot continue the cleanup. We can't do the job that is a mandate unless we have that money."

The rule prohibits us from doing the job that is required, so the only effective way we can do that is to take back part of that $140 million that we had given to the Defense Committee that was put over into a different Department. What has happened in this bill, the $140,500,000 that we had turned back was picked up by the Defense Subcommittee and put into depot maintenance.

The amendments I will be offering later in the bill will take $120.5 million of the money that we gave back to the committee for continuing this cleanup job at Rocky Flats, and the money remaining will stay in the depot maintenance account. Depot maintenance is needed, no question about that, but a higher priority is the job at Rocky Flats. It just absolutely has to be done.

So the amendment this afternoon and, I hope it will not be necessary to have a vote, contains no new money. The vote will be an environmental vote because we have to clean up the environment. It certainly is a national security vote.

The tragedy is that if we in Congress do not do this, we will go back to the old process where we in the Congress try to micromanage the Defense Department. The great success in the Persian Gulf that our troops experienced, one of which, of course, was the fine equipment that we were able to give them, the other is that they were the best trained. We had the finest troops, but even probably more important, the administration gave a free hand to the military to conduct the military operations.

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It would be wrong for us today in Congress to tell the military, "You can't do the job we have given you, we are going to tell you how to do it."

So we will be offering an amendment to reverse this and put some money back in for the cleanup of Rocky Flats. Mr. Chairman, I urge everyone to support that, and thank my colleague for yielding me the time.

Mr. WHITTEN. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Chairman, I would like to take this opportunity to give my good wishes to the new ranking minority member of the committee, who has big shoes to fill, and he will fill them.

I commend the committee, the chairman, for releasing part of the contingency fund for the Social Security Program. They are pretty hard up for help over there right now. Some people who wonder where their benefits are, why their checks have not arrived, it is because they have not had enough administrative personnel.

On September 30, 1989, the Social Security System disconnected 2,500 local telephone lines. That is a list of them right there.

Last year we passed a law that required the Social Security Administration to reconnect them, in effect, by saying that the access to those local offices had to be restored to the level it was on September 30, 1989.

I hope that the administration will pay heed to this statute, recognize the $100 million that the committee has been, in its wisdom, good enough to release from the contingency fund, and that we can get on with letting the people who pay their Social Security taxes get what they pay for.

Justice delayed is justice denied; benefits delayed are benefits that you go to the bank and borrow money on and pay interest.

And I thank the gentleman for yielding.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. JONTZ].

Mr. JONTZ. Mr. Chairman, I rise today in strong support of the supplemental appropriations bill and would first like to thank the distinguished chairman of the Appropriations Committee for yielding me this time.

To the credit of the Appropriations Committee and its Subcommittee on VA, HUD and Independent Agencies, and Chairmen WHITTEN and TRAXLER, the supplemental appropriations bill we are considering today contains $4 million for the establishment of eight new inpatient units in VA medical centers for the treatment of post-traumatic stress disorder [PTSD]. The bill also includes $1.4 million to provide for readjustment counseling services for veterans returning from the Persian Gulf. This is proposed in Persian Gulf veterans' benefits legislation authored by the chairman of the House Veterans' Affairs Committee, the Honorable G.V. MONTGOMERY. Both the inpatient and the readjustment provisions are included in H.R. 841, legislation I introduced to expand the VA's PTSD treatment and readjustment counseling programs.

Mr. Chairman, our troops from the Persian Gulf will be returning home soon. They will be welcomed with parades and other homecoming celebrations, and their honor and bravery will be remembered.

Fortunately, a large number of our Armed Forces have been spared exposure to intense combat. But a significant number were in battle, and to each and every one of them, those scenes will not be soon forgotten. It may take years before we know the extent to which their combat experience will affect their readjustment to civilian life.

The CHAIRMAN. The gentleman from Indiana [Mr. JONTZ] will suspend.

The Chair takes note of a disturbance in the gallery. It is in contravention of the law and the rules of the House.

The Chair will remind the doorkeepers and the sergeant at arms to maintain the order of the gallery. He will also remind our guests that they are welcome to be here to observe the procedures of the House. Public demonstrations, expressions of opinions and the like are not permitted under the rules or under the appropriate laws of the United States.

The gentleman from Indiana [Mr. JONTZ] is recognized.

Mr. JONTZ. Mr. Chairman, PTSD still affects 1 of every 7 Vietnam veterans. It is a normal response, in normal people, to a situation outside the realm of normal experience, such as combat, natural disaster, or violent crime. PTSD can manifest itself in many different ways, including depression, insomnia, withdrawl from interpersonal relationships, chronic unemployability, an increased "startle response" to noises similar to combat, and substance abuse.

The VA does have good programs to treat PTSD, but they lack the resources to meet even a portion of the needs which exist. For the past 7 years the VA's own special committee on PTSD has recommended the establishment of an inpatient unit for each State, but only 20 are currently in operation. That is why this funding to establish eight new units is so important.

Veterans of the Vietnam war had to wait 10 years before our Government even recognized PTSD, and longer for treatment. Our Persian Gulf veterans shouldn't be asked to endure such delays. Approving these funds for additional treatment and counseling services will help to ensure that we meet our obligation to our Persian Gulf veterans who may be suffering from PTSD in a timely and compassionate manner.

Mr. Chairman, I urge my colleagues' support for this funding and for passage of the supplemental appropriations bill.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I appreciate the time from the distinguished chairman.

A few minutes ago the distinguished gentleman from Indiana [Mr. MYERS] addressed the House with regard to the underlying premises for the dispute about the money for the Rocky Flats plant in my district in Colorado.

The House needs to understand that, contrary to the gentleman's assertion, this dispute has virtually nothing to do with the cleanup of the Rocky Flats site. The moneys for cleanup were fully funded in the bill as reported and remain so.

I would urge the House not to consider this a question of micromanagement. The Department of Energy, for decades, while this body largely defaulted in its responsibilities to superintend the proper management of the taxpayers' money, succeeded in running up a bill for the environmental devastation of nuclear weapons sites around this country that will make the savings-and-loan bill pale by comparison.

We need to get straight what we are about here. This is not a question of micromanagement. It is very much a question of Congress meeting its most profound responsibilities to see that the taxpayers' money is well spent for purposes that are truly in the national interest.

I, for one, am not about to back off of that responsibility.

Mr. GEPHARDT. Mr. Chairman, I rise in support of the supplemental appropriations bills before us today and commend Chairman WHITTEN and the members of the Appropriations Committee for the speed with which they brought these bills to the House floor today. These measures contain necessary provisions which address needs which were not anticipated when the fiscal year 1991 spending bills were passed last fall.

The committee has done a yeoman's job of balancing requests for funding for many pressing matters, both foreign and domestic, which are worthy of consideration. Unfortunately, we have limited resources to allocate and very strict budgetary disciplines which we must adhere to and therefore were not able to accommodate every request.

I commend the committee's decision to provide emergency funding for the Veterans' Administration medical services of $58 million to counter the burden placed on the VA by costs of Operation Desert Storm. Without this additional money the VA might face reductions in veterans' medical care. At this time, more than ever in recent memory, Congress has an obligation to support the men and women who serve in America's Armed Forces, both during their service for their country and after they have left active duty.

Because of the outstanding sacrifices made by our allies in Israel during the gulf war, we provided an additional $650 million to help them defray the enormous costs incurred in defending their people. The Israelis played a pivotal role in the U.S. gulf war strategy by respecting our desire that they remain in a defensive position throughout the conflict rather than engaging Iraqi forces.

The House is also acting today to provide the District of Columbia with needed resources to help it during its fiscal crisis. Without these funds, the Mayor assures Congress that the District government would not be able to provide vital services for its citizens, and may ultimately become insolvent. The Mayor has done an excellent job with the challenges facing her and her administration, and successfully convinced the members of the committee that an equitable increase in Federal funding was needed.

And finally, I would be remiss in not mentioning the money Congress is appropriating in the Desert Storm supplemental, at the President's request for incremental costs incurred through military operations in the Persian Gulf. This bill, by requiring that foreign contributions be used prior to U.S. funds, sends a clear message that Operation Desert Storm was not a coalition effort in name alone—the members of the coalition who now share in the glow of victory, must share in the cost of the battle, as well.

Mr. LENT. Mr. Chairman, I rise in strong support of this dire emergency supplemental and want to call special attention to the item in the Department of Defense section concerning the F–14 fighter program.

First, Mr. Chairman, I want to express my deep appreciation to the two gentlemen from Pennsylvania, Mr. MURTHA and Mr. MCDADE, for their strong support in this matter. My Long Island constituents who build the F–14 for Grumman are grateful as well. They are justifiably proud of their work on the F–14 and want to continue to build naval aircraft if that is the will of the Congress.

And that—the will of the Congress—is a big part of what is at stake in this bill. As the House knows, this bill specifically requires that the Pentagon obligate $987.9 million appropriated by the Congress for fiscal year 1991 for the remanufacture of 12 F–14 fighters produced by Grumman Corp. for the Navy.

This language is in the bill because of the need to jog the memory of our friends in the Defense Department and remind them that the F–14 question was decided by the Congress last year and that our directives in this matter must be followed. So far this year, the Pentagon has acted unilaterally to financially starve the Grumman Corp. and cause its possible elimination as a competitor for Navy aircraft projects. The Congress decided to authorize the remanufacture of 12 F–14's and we appropriated money for that purpose. The President signed these bills into law. Moreover, the Pentagon has said that the future of naval aviation will be decided this year in the context of the debate on the fiscal year 1992 defense budget. But if Grumman is eliminated as a competitor, it is going to be a very one-sided debate.

Furthermore, at a time when the defense budget is shrinking overall and when we must maximize the bang for the buck, it strikes me as sheer folly to put all our eggs in the basket of one defense contractor. That will be the clear result of what DOD is doing in the case of Grumman and the F–14. Every Member of this House has expressed concern and outrage about the business practices of certain defense contractors and the tens of millions of taxpayer dollars that have been wasted on programs that have spun out of control. Some of these excuses may be checked by tighter internal control on the part of DOD. But the only sure way to deal with the problem is through competition, and the knowledge on the part of a contractor that if they do not perform according to plan, we will award the business to another company that will. If we learned any lesson from the scandals of recent years that should be it. And I am frankly disappointed that the Pentagon has such a short memory in this case.

Mr. Chairman, in conclusion it is important to note that the F–14 is a truly remarkable aircraft that has proved to be the master of the sky over and over again in recent years. With proper modification, it can continue to play this critical role for the Navy into the next century. The future of naval aviation will be a key part in the defense debate this year and Congress must safeguard its voice in that debate. We can only do this if we compel the Pentagon to release these funds for the F–14 remanufacture. Without this infusion of money, Grumman Corp. will drop out of the aircraft manufacturing business and an important part of our industrial base for defense will be gone. This is a key institutional issue for this Congress and a matter of plain commonsense when it comes to future defense policy. I urge the adoption of this bill and the support of this House for the F–14.

Mr. MONTGOMERY. Mr. Chairman, the Congress can be proud of its record on the Persian Gulf conflict. We can take pride not only in the caliber of our debate regarding a U.S. role in the gulf, but also in our response to the aftermath of the fighting. This supplemental funding measure recognizes that the costs of war include more than weaponry. For the Department of Veterans Affairs, war has a profound impact. This conflict was brief. But behind the scenes, our VA hospitals were gearing up to play a major support role in the event we sustained heavy casualties. At the same time, those hospitals lost several thousand staff members to reserve and national guard mobilization. As a result, those facilities incurred substantial costs in overtime pay and contracting for replacement staff. Finally, the immediate costs of benefits and services for returning combatants will take a heavy toll.

When our young men and women return from the gulf, and are released from service with service-connected disabilities, we must be

prepared to provide timely health care. In addition, the VA must do a better job of processing all of its claims and the $12 million for the Veterans Benefits Administration will help somewhat.

Mr. Chairman, in light of this situation, I'm very pleased that the Appropriations Committee has included in this supplemental $46 million for veterans medical care and $12 million for the Veterans Benefits Administration. Four million dollars of the medical care funds are earmarked for additional Post Traumatic Stress Disorder [PTSD] units. I regret the administration did not request these funds in that they are sorely needed. The needs are greater than the amounts contained in the bill; however, if enacted, this supplemental will provide some relief to VA's current staffing problems.

Mr. Chairman, I regret that the $10 million I recommended for our national cemetery system is not included in the supplemental. With the upsurge in visits to national cemeteries, the funds would have been very useful to make the cemeteries more attractive. Some of our cemeteries are in deplorable condition and something has to be done to bring them up to the standard we in the Congress expect.

I appreciate the leadership's help with this package. It provides much needed support for a VA transition assistance program to assure timely benefits assistance to our Desert Storm veterans. It also provides monies for immediately identifiable health needs we know some of these veterans will have. The lessons of earlier wars have helped those who planned this effort. They could anticipate not only injuries but psychological trauma. This supplemental funding measure appropriately includes money for readjustment counseling and for the treatment of PTSD. We know that in the area of PTSD treatment, VA's specialized treatment programs have had difficulty even meeting the needs of sevice-connected veterans—both for inpatient and outpatient treatment. Clearly additional funding is needed to set up additional capacity to treat returning combatants who have this problem. The addition of new outpatient teams and inpatient units will provide the needed continuum of care for our veterans.

Reactions to the experience of war affect us all differently. Everyone is not scarred psychologically. Yet many veterans may have significant problems readjusting after returning home. With this concern in mind, I have sponsored legislation to make veterans of this conflict eligible for readjustment counseling services. This measure would expressly authorize VA to provide that counseling in any VA facility. Let me note that while this provision aims to extend to Persian Gulf veterans the kind of counseling support made available to Vietnam-era veterans, I do not envision that those services would necessarily be provided exclusively or even primarily in so-called Vet Centers. Vet Centers were established to assist veterans of a war which did not enjoy the same popular support as this one. Many Vietnam veterans expressed hostility to the VA, and we set up a program operated out of storefronts to respond to their unique needs. This was clearly a different war, and we must address the needs of its veterans.

Mr. Chairman, in closing, I want to thank the distinguished Chairman of the Subcommittee on VA, HUD and Independent Agencies, the gentleman from Michigan, Mr. TRAXLER, and the ranking minority member of the subcommittee, the gentleman from New York, Mr. GREEN, for their work on this measure in behalf of veterans.

I also want to thank the Chairman of the Committee, the gentleman from Mississippi, Mr. WHITTEN, and the ranking minority member, the gentleman from Pennsylvania, Mr. MCDADE, for making certain that these funds are included in the supplemental.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise in support of request for $650 million in supplemental aid to the State of Israel.

As we rejoice in the successful victory over Iraqi aggression, we cannot forget the sacrifices made by the Israeli people during the last 6 weeks.

When President Bush put together this magnificent and unprecedented coalition of forces in the Persian Gulf, there were many concerns that Iraq would incite Israel into joining the conflict.

Once Israel became involved, Iraq hoped to fragment the coalition, and instigate a holy war against the Jewish state.

And with that holy war, the Iraqis hoped to fulfill their desire to push Israel into the sea and thereby dominate that troubled region.

Well, that didn't happen.

Instead, the Jewish people rallied, they withstood the terror of missile attacks, never knowing if one of those missiles were loaded with deadly gas.

Children learned how to do their homework in sealed rooms while nervous parents wondered if these cowardly acts by the Iraqis would tragically alter their lives forever.

Through it all, Israel remained firm in its commitment to this country and the coalition that it would not respond to the wanton attacks by Iraq.

Due to the actions of the State of Israel, the coalition held and produced a swift, complete victory.

The Israelis showed how patience is a virtue.

But these actions carried a price for the people of Israel. By keeping their powder dry, Israelis were killed and property was damaged.

More importantly, Israel made a commitment to this country and the alliance, and kept it.

Mr. Chairman, we should, in turn, show that we are ready to assist Israel in rebuilding its losses and standing ready to work with her to build a lasting peace in the Middle East.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the bill H.R. 1281, making dire emergency supplemental appropriations for fiscal year 1991 and for other purposes. This bill provides urgently needed funds to meet a variety of critical needs from food stamps and unemployment assistance to veterans compensation and pension programs.

In addition, the bill includes $30 million to help the Bureau of Reclamation to meet Federal obligations to help respond to the emergency drought conditions which currently exist throughout a variety of areas in the West.

Most of the 17 reclamation States have suffered from extreme drought conditions over the last 5 years. Key water storage reservoirs in a number of States are at record low levels, resulting in sharp reductions in water deliveries to agricultural, municipal, and industrial water customers.

In California, which is also experiencing its 5th year of drought and its 4th critically dry year, reservoir storage statewide is less than one-half of its historical average. As a result, the Bureau of Reclamation has advised its agricultural and urban customers that deliveries of water from the Federal Central Valley project [CVP] will be cut by up to 75 percent of normal supplies.

In response to these emergency drought conditions, the bill provides $30 million for the Bureau of Reclamation to launch a number of drought-response initiatives. Examples of such initiatives include drilling wells and purchasing and delivering water for wildlife refuges, making authorized project modifications to assure water deliveries at low reservoir levels, providing alternate sources of water to municipal and industrial users and to increase fish and wildlife survival rates, and constructing temporary saltwater intrusion barriers, particularly in the Sacramento-San Joaquin Delta, to protect water quality and thereby increase availability of project water.

Only authorized activities are to be undertaken using the funds provided in the bill. This provision does not authorize any new activities that are expected to be included in the drought bill under consideration by the House Committee on the Interior and Insular Affairs. Moreover, this measure can in no way substitute for the important drought-relief bill the House Interior Committee intends to markup next week. That bill is essential to an effective Federal response to the drought.

Mr. Chairman, this is not a bailout for the California or any other drought stricken area. This appropriation simply enables the Federal Government to do its part to help lessen the economic and environmental consequences of the worst drought on record. The State of California intends to put more than $100 million into drought relief activities—nearly three-quarters of which will complement work in California financed by this appropriation.

Finally, Mr. Chairman, none of the funds in this appropriation will be used for drought-impacted, crop loss assistance. This appropriation will simply help the Bureau mitigate against future losses to fish and wildlife habitat, help provide additional water supplies to municipal and industrial users and help limit future crop damage by funding a variety of measures that will help make the most of the limited water supplies currently available.

Mr. Chairman, I greatly appreciate the cooperation and leadership of the chairman of the full Appropriations Committee, Mr. WHITTEN, as well as the support and cooperation of the chairman of the Appropriations Subcommittee on Energy and Water Development, Mr. BEVILL, and the ranking minority member, Mr. MYERS. Without their assistance, this drought emergency assistance would not be possible.

Mr. Chairman, this is a good bill, and I urge its adoption.

Mr. PANETTA. Mr. Chairman, I rise to discuss budget issues related to H.R. 1281, the dire emergency supplemental appropriation for

fiscal year 1991, and H.R. 1282, the Desert Shield supplemental for fiscal year 1991.

H.R. 1282, the Desert Shield bill, provides that all of the funds made available in the bill are considered to be incremental costs for Operation Desert Shield/Desert Storm. It is our understanding that the funding provided in the bill is consistent with the administration's request. Under the Budget Enforcement Act, incremental costs for Operation Desert Shield are exempt from the defense spending limits. In this case, where there is agreement between Congress and the President that these funds are incremental Desert Shield costs, these costs will not be subject to the defense spending limits and will not cause a sequester. In addition, the Budget Enforcement Act provides that the costs of emergency provisions, including Desert Shield costs, are not to be counted for purposes of determinations under points of order under sections 302, 303, and 311 of the Budget Act. These costs therefore will not be scored against the committee's allocation or its subdivisions and will not be scored against the total spending levels in the budget resolution. In our view, therefore, the bill does not violate the Budget Act.

H.R. 1281, however, required two Budget Act waivers. Enactment of the bill as reported would cause the bill to exceed the committee's allocation and would cause total outlays in the budget resolution to be exceeded. However, it is important to note that House Joint Resolution 157, a technical corrections bill passed by the House on February 28, 1991, by voice vote, is pending in the Senate and may be cleared at any time. That bill, if enacted, would reduce the level of budget authority provided in the fiscal year 1991 foreign operations bill by $403.5 million. If that bill had been enacted prior to consideration of H.R. 1281, the Committee on Appropriations would have been within its overall committee allocation and, because of the provisions of the Fazio exemption, there would have been no need for a waiver of section 311. Because some individual subcommittees would still be over their subdivisions, there would still be a need for a waiver of section 302(f), notwithstanding the fact that the committee was within its overall allocation.

Having addressed the issue of the budget waivers for the bill, however, I would also like to discuss the treatment of some of the emergency costs in title I of H.R. 1281. Title I provides that the funds in the title are designated "emergency requirements" for all purposes of Gramm-Rudman. As discussed above, it is clear that provisions which the President and Congress both designate as emergencies are exempt from the applicable discretionary spending limit, or from the pay-as-you-go scorecard, in the case of direct spending and receipts legislation. The committee bill reflects the President's emergency request and designation except for two matters: $46 million for veterans medical care and $8 million for the Department of Commerce and the USIA.

If there is no agreement between the President and Congress on those items by the time of enactment, the President could insist that these items be scored against the domestic discretionary spending limits. The costs of the bill, other than the costs related to the issues in title I, would bring us to within approximately $23 million of the domestic budget authority cap for fiscal year 1991. If provisions discussed above were not ultimately agreed to be emergencies, their enactment could cause a sequester of all the accounts in the domestic category 15 days after enactment of this bill.

While I expect that these issues will be resolved by the time the conference report is agreed to, I feel obligated to alert the House to the possibility of a small breach in the domestic budget authority caps.

The questions related to the emergency provisions in the Budget Enforcement Act are clearly new for all of us. Those provisions are intended to ensure that real emergencies do not cause sequesters of other accounts. There are not intended, obviously, as loopholes in the budget agreement. Determining an appropriate standard for the use of the emergency provisions and addressing the timing issues related to the role of the President in designating emergencies are tough questions. For this reason, I have asked my staff, on a bipartisan basis, to work with the Office of Management and Budget to explore these questions.

Regardless of whether that effort is successful, however, it is my intention to continue to review issues related to use of the emergency provisions and, where appropriate, to oppose unjustified use of those provisions.

I also want to commend the chairman of the Defense Subcommittee for the design of the Persian Gulf regional defense fund. The $15 billion of taxpayer funds will be spent for Operation Desert Storm only if no funds are available from the defense cooperation account, which is where the allied contributions are maintained. Furthermore, if any portion of the $15 billion of taxpayer money is spent then it will be restored from available allied contributions. I believe this process will maintain the maximum amount of pressure on our allies to make good on their total pledges of $53.5 billion. In fact, if these pledges are realized the taxpayer funds used for Operation Desert Storm could be minimal.

The following are two factsheets prepared by the Budget Committee on the two appropriations bills:

FACT SHEET: OPERATION DESERT SHIELD/DESERT STORM SUPPLEMENTAL APPROPRIATIONS ACT 1991—H.R. 1282

H.R. 1282, the Desert Shield/Storm Supplemental for fiscal year 1991 will be considered by the House on Thursday, March 7, 1991. A related bill, H.R. 1821, the Dire Emergency Supplemental Appropriations which also includes Defense funding is discussed in a separate fact sheet. H.R. 1282 provides funding for the incremental costs of Operation Desert Shield/Storm by appropriating $15 billion in new budget authority to a newly-created Persian Gulf Regional Defense Fund and allows and appropriates the transfer of funds from the Defense Cooperation Account (DCA). The total amount available to finance the incremental costs of Operation Desert Shield/Storm is limited to $42.6 billion.

	Billions
Noncombat costs Oct. 1, 1990 to Mar. 31, 1991	$21.2
Post combat phase-down	7.0
Return of personnel and equipment	5.2
Near-term investment costs	2.9
Additional costs of combat	6.3
Total	42.6

Section 251(b)(2)(D)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, provides that the costs for Operation Desert Shield are not subject to the defense spending limits. The bill:

Directs that foreign contributions received for Operation Desert Shield/Storm will be obligated prior to the obligation of any U.S. Funds (the $15 billion).

Directs that any of the $15 billion in new budget obligational authority provided in the bill, which is not expended, will be returned to the Treasury.

Allocates the funds by appropriation account as opposed to the approach of unallocated funding proposed in the Administration's supplemental request.

Prohibits the use of any funding in this bill to be used for defense expenses unrelated to Operation Desert Shield/Storm.

Foreign countries have pledged a total of $53.5 billion to support Operation Desert Shield/Storm. To date, the U.S. has received $14.8 billion in cash and in-kind assistance. If the remaining foreign pledges are forthcoming, it is possible that none or not all of the $15 billion in new budget authority provided in the bill will have to be expended.

FACT SHEET: H.R. 1281, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE CONSEQUENCES OF OPERATION DESERT STORM/DESERT SHIELD, FOOD STAMPS, UNEMPLOYMENT COMPENSATION ADMINISTRATION, VETERANS COMPENSATION AND PENSIONS, AND FOR OTHER URGENT NEEDS FOR FISCAL YEAR 1991

(H. Rept. 102-9)

The House Appropriations Committee filed H.R. 1281, the Fiscal Year 1991 supplemental appropriations, on Monday, March 5,1991.

H.R. 1281 is scheduled to be considered Thursday, May 7, 1991, subject to a rule being adopted. The rule as reported waives all Budget Act points of order.

The current level for Fiscal Year 1991 budget (filed in the Congressional Record on March 6) shows that the Appropriations Committee is under its 302(a) allocation by $1,344 million in discretionary budget authority and that one subcommittee is over its 302(b) subdivision. This bill provides $1,503 million in non-emergency discretionary budget authority more than the available room; therefore, this appropriations measure would be subject to two Budget Act points of order: 302(f) and 311(a).

It should be noted that the House passed H.J. Res. 157 on Feb. 28, 1991, correcting the technical error in the Foreign Assistance Appropriations bill and reducing budget authority by $404 million. If that bill had cleared the Senate by now (as had been expected), the supplemental now under consideration would *not* have violated the total Appropriations 302(a) allocation.

The bill provides, for fiscal year 1991 in Title I, as estimated by CBO, $1,135 million in discretionary budget authority and $814 million in outlays for programs requiring Desert Shield/Storm emergency related expenditures. Title II provides $3,335 million in budget authority and $1,498 million in outlays for supplemental funding requirements. The bill is below the fiscal year 1991 defense, international and domestic discretionary spending caps established in the BEA (Budget Enforcement Act of 1990) as of the start of this session.

The following table shows CBO's scoring of the bill as reported for selected programs:

[CBO estimates in millions of dollars, by subcommittee within title]

	Budget authority	Outlays
Emergency related Desert Shield/Storm:		
State Department	49	39
Defense procurement	334	34
Aid to Israel	650	650
Veterans medical care	46	40
Other supplementals (including mandatory payments):		
Judiciary and related activities	97	97
Defense operations and maintenance	500	366
Defense research and development	58	32
Rocky flats plutonium operations	483	67
Supplemental security income (SSI)	232	94
Infant mortality	25	15
Food stamps	1,500	.....
Veterans compensation and pensions	303	303

Ms. PELOSI. Mr. Chairman, I rise in support of the dire emergency supplemental appropriations bill and I commend Appropriations Committee Chairman JAMIE WHITTEN and his staff for quickly bringing this legislation to the floor. With our Nation's attention focused on the Persian Gulf, I am pleased that this bill addresses some of the pressing problems we face here at home.

One of the most important provisions of this legislation is the inclusion of $25 million to combat infant mortality in areas with unusually high infant mortality rates. These funds will provide grants to localities to link and coordinate the activities of health departments, community health centers, State maternal and child health administrators and community residents in a focused effort to reduce our inexcusable infant mortality rate. Unlike the President's request to cut the maternal and child health block grant and reallocate funds from vital community health centers to pay for this important initiative, this legislation provides additional funds so that we do not make the grave mistake of sacrificing one important program for another.

Another important item in this legislation is the $30 million included for drought assistance, which is so vital to my home State of California, now in the fifth year of a drought. The funds provided in this bill will enable us to address some of the critical consumer, industrial and environmental needs brought on by the severe drought.

This supplemental appropriations bill also realistically addresses the strain on our states resulting from increased unemployment due to the recession by providing $200 million for the costs of administering the Unemployment Insurance Program. For many individuals and families who are dependent on unemployment benefits for their income, this supplemental appropriation will ensure that they receive these essential benefits, to which they are entitled, in a timely fashion.

This legislation also includes $303 million to cover the cost-of-living adjustment for service-connected veterans who were denied their COLA earlier this year. This provision brings equity to our Nation's veterans program.

Finally, I am pleased that this legislation acknowledges our Federal responsibility to maintain our nation's infrastructure. Now is the time to turn our attention to investment in our citizens and the valuable programs and projects which strengthen our Nation. I urge my colleagues to support this legislation.

Ms. OAKAR. Mr. Chairman, I rise in support of H.R. 1281, the urgent supplemental appropriations bill for fiscal year 1991. I would like to commend the chairman of the Subcommittee on Legislative branch appropriations, the Honorable VIC FAZIO, and his esteemed ranking minority member, the Honorable JERRY LEWIS, for their outstanding and conscientious understanding of the needs of the U.S. Capitol Police force—which comprises one aspect of this supplemental legislation.

Mr. Chairman, allow me to take the opportunity to say that the men and women who constitute the U.S. Capitol Police are highly skilled, competent and accomplished individuals. They are charged with the important task of protecting the Capitol of the United States, Members of Congress and their staff, foreign dignitaries, and millions of tourists who visit the Capitol every year.

Because of Operation Desert Storm, the Capitol Police force is in need of a supplemental appropriation. In order to provide the level of security necessary for the protection of the congressional community, the U.S. Capitol Police has nearly exhausted all of its overtime funds appropriated for fiscal year 1991. At their current rate of expenditures, the force only has enough overtime funds remaining for approximately 2 more weeks.

The supplemental request slated for the Capitol Police totals approximately $7,152,000. Broken down, this figure represents approximately $6 million in overtime, $63,000 to hire five freight handlers, and $978,000 in supplies and equipment.

Mr. Chairman, we all depend on the members of the U.S. Capitol Police force for our security and overall well being in these recent times of apprehension. I urge my colleagues to support this supplemental appropriation to ensure that this sense of security on Capitol Hill is maintained.

Mr. GREEN of New York. Mr. Chairman, I rise in strong support of the dire emergency supplemental appropriations bill which is necessary to fund special government expenses due to the consequences of Operation Desert Shield/Storm. I should like to comment briefly on one provision of this bill which is immensely important, and that is the emergency assistance the legislation provides for Israel to offset that Nation's costs because of the Persian Gulf war.

For weeks throughout the war, the world watched in horror as the Israeli population suffered night after night of malicious Iraqi Scud missile attacks. In all, Israel absorbed 39 missile attacks which were, in most cases, aimed at civilian population centers such as Tel Aviv. Fortunately, the Patriot system ultimately proved effective in protecting Israel's citizens against the Scuds, but loss of life did occur, as well as significant destruction of property. Those senseless attacks resulted in more damage and casualties per capita than any other frontline state.

The legislation we are considering today provides $650 million in emergency economic assistance to Israel to help that nation cover increased military and civil defense costs incurred throughout the crisis. Israel has incurred over $1 billion in direct military costs since August 2, and I hope that this new assistance will provide some relief from the financial burden that nation is experiencing.

As you know, in addition to expending substantial funds due to the gulf crisis, Israel is simultaneously providing refuge from hundreds of thousands of Soviet Jews who are leaving the Soviet Union to live in Israel. In 1990, over 200,000 Soviet Jews immigrated to Israel, and in 1991 that figure may be 300,000. The financial burden is great, and I am pleased that the United States is able to assist Israel at this time.

In short, I urge my colleagues to vote in support of this important bill, and I commend both Representative OBEY, chairman of the Foreign Operations Subcommittee, and the administration, for their leadership and support of this emergency assistance to Israel. As the newest member of Representative OBEY's Foreign Operations subcommittee, I look forward to working with him in the coming months.

Mrs. LOWEY of New York. Mr. Chairman, I rise in support of H.R. 1281, the supplemental appropriations bill. This legislation includes a number of critical items of which I am very supportive. However, at this point I want to commend the committee for including strong report language against diverting funds away from community and migrant health centers.

It is a travesty that the United States ranks behind 21 other industrialized nations in the rate of infant mortality. Here we have programs that provide health care services to one out of every ten low-income pregnant women in this country. These centers are already having to turn away people in critical need of care, and they are now confronted with a proposal for multimillion dollar cuts. That will clearly not solve the problem.

Today, I am sending a letter to Secretary Sullivan, signed by 73 of my colleagues, calling on the administration not to use community and migrant health center grants to finance the infant mortality pilot program. In the letter, we assert that the United States cannot afford to take funds away from a program that has been proven effective in reducing infant deaths.

The Community and Migrant Health Center Program is broad and far-reaching. Two thousand centers serve nearly 6 million people in every State of the Union. Virtually all health center clients have incomes below or near the poverty level and have no other access to medical care. Half of health center patients live in isolated rural areas, and the other half live in economically depressed inner cities. Most are without insurance from any source.

Community and migrant health centers have a proven track record on infant mortality. They care for more than 10 percent of all low-income pregnant women, and they improve the quality and comprehensiveness of care for more than 200,000 pregnant women and infants each year. In fact, infant mortality rates in communities with health centers are significantly lower than in communities not served by health centers.

Reducing community health centers' funding will be counterproductive because it will limit their ability to provide the prenatal, obstetric and gynecological services required to prevent infant deaths and improve women and children's health. I commend the Appropriations Committee for recognizing that diverting funds from these valuable programs would be imprudent.

Despite their ability to provide high quality care, health centers report that for every 10 people served, 3 must be placed on waiting

lists. In my district, the Mount Vernon Community Health Center reports a severe lack of funding for responding to women in need of obstetric and gynecological care. In order to continue to build on this program's record of success, we should seek additional funds for these programs in the upcoming fiscal year so that we can further reduce our infant mortality rates and expand access to health care.

Again, I thank my colleagues on the Appropriations Committee for their wise statement against the diversion of funds from the Community and Migrant Health Center Program. As we move forward to fiscal 1992 appropriations, I am hopeful that we will be able not only to protect, but also to expand, funding for this vital program which reduces infant mortality and provides a full range of health care services to our most at-risk populations.

Mr. SWETT. Mr. Chairman, I rise in support of the legislation before the House (H.R. 1281) making dire emergency supplemental appropriations.

This bill contains many critical provisions, but one has a particular interest for me. The legislation disapproves redirecting existing funds for the administration's "target cities" initiative on infant mortality. The administration's program would take resources targeted to combat infant mortality in rural areas in some States, including New Hampshire, and redirect those funds to 10 major cities.

It is important, Mr. Chairman, to deal with infant mortality in these 10 major cities, but it is equally important to confront infant mortality in rural areas and smaller communities. We cannot deal with urgent health care problems by taking funds from one area and giving to another, it is essential that funds be fairly distributed. Unfortunately, preventable infant mortality is not limited to 10 major cities. Our rural areas face unique health care problems that contribute to infant mortality, and Federal MCH and community health granting programs are needed to address these questions.

Mr. Chairman, I commend the distinguished chairman of the Appropriations Committee, Mr. WHITTEN, and the distinguished chairman of the Subcommittee on Labor, Health and Human Services, and Education, Mr. NATCHER, for their outstanding leadership and support in disapproving redirection of funds for the administration's target cities initiative, and I urge my colleagues to support this bill.

Mr. GRADISON. Mr. Chairman, we are considering two spending bills that share an important relationship to the Budget Enforcement Act of 1990. One, H.R. 1282, makes appropriations to cover the financial costs of our military involvement in Operation Desert Shield. The other, H.R. 1281, makes supplemental appropriations for the nonmilitary consequence of Operation Desert Shield/Desert Storm, plus provisions for food stamps, unemployment compensation, administration, veterans compensation and other urgent needs.

Last fall, we enacted a new system of deficit controls that switched the focus away from the enforcement of arbitrary deficit limits to a system concerned with limiting net spending increases. These spending measures break new ground for the new budget process.

As part of that budget reform effort, we enacted ceilings on domestic, international, and military discretionary spending. We also provided ourselves with an escape hatch if emergency circumstances warranted.

The new budget process explicitly exempts the costs of Operation Desert Shield from the defense spending cap. At the time the Budget Enforcement Act was adopted, there was no way to predict the cost of the war, or even know if there would be a war. Likewise, the drafters of the budget enforcement bill knew that from time to time emergency circumstances might warrant additional discretionary spending that could be accommodated under the spending ceilings. They provided that if both Congress and the White House agreed that an emergency necessitated an expenditure, then new spending for that emergency would not violate the spending caps.

These supplementals mark the first time under the 1990 Budget Enforcement Act that the House has tested its ability to demonstrate fiscal restraint on discretionary spending. Frankly, the results are mixed.

The Desert Shield supplemental, H.R. 1282, appears to meet fully the Budget Enforcement Act criteria. It includes only incremental expenses associated with the operation. Moreover, the costs of Desert Shield will be paid for largely by contributions made by the governments of Kuwait, Saudi Arabia, Japan, and Germany to the defense cooperation account. When the final costs of the war are known, and all expenses have been paid, any U.S. funds remaining in the Persian Gulf regional defense fund will be returned to the Treasury.

The other supplemental, H.R. 1281, contains some problematic provisions.

Title I of this so-called dire emergency supplemental consists of expenses designated as "emergency" requirements. Unfortunately, not all of the items in title I merit emergency status. From the perspective of the budget agreement and the new budget process, there are several unacceptable provisions.

During the markup on this bill, an amendment was adopted to appropriate $8.336 million for the International Trade Administration, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the U.S. Information Agency. The administration has not recognized these provisions as emergencies. In a March 6, 1991 statement of administration policy, OMB stated,

> These proposals are not directly related to Operation Desert Shield/Desert Storm and are not emergencies. In several cases, the costs either could be reimbursed by other agencies or could be absorbed within these agencies fiscal year 1991 budget allotments.

Additionally, only part of the veterans initiatives included in title I, chapter VIII will be designated by the administration as emergency spending. The bill proposes $46 million for veterans medical care and $12 million for general VA operating expenses. OMB has reviewed the VA provisions and concurs with the committee's designation of the $12 million operating expense as an emergency because of the need to provide information and process the claims of returning reserve and active duty military personnel. However, the administration has reviewed the $46 million for VA medical care and does not believe it qualifies as an emergency.

Under the Budget Enforcement Act, both Congress and the White House must agree to an emergency designation in order for spending on it to be exempt from the spending caps. Since both do not agree, $54.3 million of the so-called emergency expenses in title I will now be subject to the discretionary spending cap.

Not counting this $54.3 million brings us within $25 million of the domestic discretionary budget authority cap for fiscal year 1991. But when the $54.3 million is counted as nonemergency provisions, spending exceeds the domestic cap by about $29 million and will trigger a sequester of all accounts in the domestic category 15 days after the enactment of this bill.

Mr. Chairman, the questions and problems related to the emergency provisions in the Budget Enforcement Act are new for all of us. Those provisions are intended to ensure that real emergencies do not cause sequesters of unrelated accounts. They were not intended as loopholes in the budget agreement. Determining an appropriate standard for the use of emergency provisions and addressing the timing issues related to the role of the President and the Congress in designating emergencies are tough questions.

Mr. Chairman, I fully support H.R. 1282, the Desert Shield supplemental, but I cannot support H.R. 1281, the dire emergency and other purposes supplemental. I have already mentioned the problems the bill has from a budget process perspective.

These alone force me to vote against this bill, but they are not the only reasons I oppose it. I do not believe this supplemental appropriations bill is the proper place to fund $650 million in aid to Israel, $100 million for the District of Columbia, or $224 million in additional procurement of the Patriot missile. While each of these items may be defensible on its own merits, they are not emergencies, in the context of the budget process, and they all set a terrible budget process precedent.

If we allow an exception for aid to Israel without requiring that it be fully offset with savings in other accounts, how can we ever hope to control future requests for domestic spending that many argue is of dire necessity?

Likewise, with the war essentially over, I see no reason to procure on an emergency basis more Patriot missiles than we need to replace the ones actually used in the war. If the promoters of the Patriot missile provisions believe it is necessary to acquire these additional missiles, then they should also propose an offset in title II of the bill to pay for them.

I also do not believe the District of Columbia should be singled out for special treatment. Every other city in America, my own Cincinnati included, could make equally compelling arguments on why we should give them the money instead. The only fair way to determine to whom Federal funds should go is through the give and take of the regular appropriations process.

Mr. Chairman, since it was agreed to change the budget process last fall, we are now committed to play by a new set of rules. Under these new rules, these items should not qualify as emergency expenses. They could and should all be handled through the regular

appropriations process where they can be weighed against other competing needs.

Mr. HOUGHTON. Mr. Chairman, I rise in opposition to the dire emergency supplemental bill, H.R. 1281.

After all of the blood and sweat that was expended during the budget summit last year, ultimately we passed a budget that starts us on the road to fiscal responsibility. I had problems with the agreement, but I supported it because it put strict limits on spending. At the end of the fiscal year, the agreement is only as good as the Members of this body want it to be. So the issue today is, will we live up to the agreement we signed last year? Maybe, maybe not. Let me explain.

We violated the Budget Enforcement Act right first thing out of the box by moving scoring responsibility from the Office of Management and Budget to the Congressional Budget Office. And here, in the first spending bill we hitch more cars to the train than it can haul. Some might call this a "Christmas tree" bill.

The President sent a request to Congress for $2.8 billion in supplemental spending—$89 million of it would be emergency spending for the purposes of the Budget Enforcement Act. So what do we do? We send back a bill for $4.1 billion—$801 million in emergency spending—exceeding the cap for domestic discretionary spending, a cap we swore on a stack of budget agreements to live with.

I have no problem with the priorities of this bill. It is merely how much we're spending. If we don't stand firm at the beginning, how are we going to judge ourselves at the end?

Mr. GILMAN. Mr. Chairman, I rise to express strong support for H.R. 1281, a bill to appropriate supplemental assistance for certain emergency costs associated with the Persian Gulf war, and I would like to commend the distinguished chairman of the Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN] for his outstanding and expeditious handling of this critically important measure.

This measure is important because it augments the State Department's ability to meet its increased demands in several specific areas: First, the Department has taken extraordinary actions to enhance its ability to protect life and property in response to terrorist threats at several worldwide posts, at some of our domestic facilities, and in response to threats against foreign dignitaries in the United States.

Another component of this bill will enable the State Department to expand secure voice communication capabilities in the Persian Gulf, as well as to improve other means of communication which is so essential when our Cabinet members travel throughout the world.

This bill will provide funding for crisis operations, emergency travel support, and evacuation claims costs resulting from this crisis. Each of these is legitimate and each of these are necessary to improve the day-to-day capabilities of our Government to perform its diplomatic function.

This measure also provides $650 million in dire emergency supplementary assistance to the State of Israel, a nation that suffered tremendously throughout the gulf crisis.

Mr. Chairman, this is a needed measure. It is necessary. Accordingly, I strongly urge its wholehearted adoption by this body.

Mr. LEVIN of Michigan. Mr. Chairman, I rise today to commend the Appropriations Committee for sending to us a responsible and much-needed supplemental appropriations bill. I recognize the many pressing needs the committee had to address in this bill, and for that reason, I am particularly gratified to see that the committee included $200 million to take care of the shortfall in administrative funding for our unemployment insurance [UI] program.

We are all too familiar with the administrative funding crisis facing our UI program. As the recession has deepened, too many unemployed workers in my home State of Michigan have been left stranded by a UI program woefully unequipped to handle the increased demands placed on it. Six-hour waits in unemployment lines and 5 week delays in receiving benefit checks are common. That experience has unfortunately been replicated around the country.

Why is our UI program failing the very workers it was intended to help? Because the Federal Government has shirked its responsibility to provide to the States administrative funding for the program.

Though UI is an entitlement program paid for through a dedicated tax, and though the administrative account in the UI trust fund has more than adequate resources to cover any shortfalls, the States have not been given the administrative funding they need. Why? Because the need for these funds has been consistently underestimated in the past so as not to draw down the trust fund and increase the budget deficit.

A group of us in Congress have been trying to bring this unjust situation to the attention of the Bush administration and our fellow Members. When we first discovered there would be a large shortfall in UI administrative funds, 60 of us wrote President Bush asking that he request the necessary supplemental funds, declare the request an emergency, and propose a contingency reserve fund to take care of any more unanticipated increases in unemployment.

Our reply came the very next week, in the President's budget. Though the Labor Department's budget estimated the administrative funding shortfall at $200 million, the President requested only $100 million in supplemental funding for fiscal year 1991. Moreover, the request wasn't designated as an emergency, raising concerns that it might contribute to exceeding the domestic cap and triggering a sequester. Finally, despite the fact that we've faced shortfalls for 2 years running, and subjected workers to unnecessary and unfair delays in receiving UI benefits, the administration proposed no long-term solution to the problem.

As is so often true, the administration dropped the ball, leaving it to Congress to remedy this tragic situation. Over the past several weeks, a number of Members, including myself, spoke to the distinguished chairman of the Appropriations Subcommittee on Labor-HHS about this, urging him to provide the full $200 million and take steps to establish a contingency reserve fund. We were pleased, then, to see that the subcommittee included the full $200 million during its markup, and 50 of us sent a letter to Chairman WHITTEN urging the full committee to do the same.

Thanks to the Appropriations Committee, our efforts have finally met with success. The supplemental moneys in this bill will allow the States to get on with their basic and vital task of providing timely benefit checks to UI claimants. The long waits in unemployment lines and the disruption of the lives of American workers and their families should diminish, and a measure of credibility restored to our UI program.

Mr. Chairman, our work on the UI program is not finished. We still must find a long-term solution to administrative financing, so that the UI program can respond quickly and efficiently to jumps in the unemployment rate. I believe we must put UI on the same basis as other State-administered entitlement programs, and for that reason, DON PEASE and I have introduced legislation to change UI administrative funding from a discretionary to a mandatory spending program.

But we should take a moment to thank those responsible for relieving the current funding shortage, and apologize to American workers and their families for this unfortunate situation.

Mr. SHAW. Mr. Chairman, I rise today in support of H.R. 1281, the emergency dire supplemental appropriation for Operation Desert Shield/Desert Storm.

There is one provision in the bill, however, that I find particularly noteworthy—the one relating to mothers in the military.

Mr. Chairman, under current Pentagon policy, pregnant women are exempt from being sent into imminent danger areas. However, only weeks after these women give birth, the Pentagon can send them anywhere it feels necessary.

This policy does not make sense to me. That is why I am glad that langauge like that found in H.R. 1025, the Military Family Relief Act of 1991 which I introduced on February 20, has been included to change this Defense Department policy.

Under this provision in the supplemental, women in the armed services with a child under the age of 6 months may not be called to active duty without prior consent. And, these women may not be assigned to locations that do not have facilities for these infants, either.

While it is never easy to leave a child, it is especially difficult in the first 6 months of life. By passing this bill, we are providing mothers in the military with a little compassion during a special time in their lives and a special time in their baby's lives.

As a father and a grandfather, I could not imagine my wife or daughter being forced apart from their newborn baby. We should not expect our military mothers to do this.

This provision would not place a major burden on our military, either. Out of the hundreds of thousands of women in our military, only 15,000 give birth each year.

Mr. Chairman, this is an important measure and I am glad that it has been added to the bill. I urge its adoption.

Mr. OWENS of Utah. Mr. Chairman, I rise in strong support of H.R. 1281, the dire emergency supplemental for costs associated with

Operation Desert Storm. The war in the Persian Gulf has taken a heavy economic toll on many of our friends and allies around the world, but none more so than Turkey, Syria, Egypt, Jordan, and Israel—the frontline states. Each of them, with the exception of Israel, has received substantial compensation—more than $20 billion to date—from the Gulf Crisis Coordinating Council. Mr. Chairman, it is altogether appropriate that in this measure we provide urgently needed and well deserved compensation to Israel.

Mr. Chairman, 3½ weeks ago while on a factfinding visit for the Foreign Affairs Committee, I witnessed firsthand a Scud attack and the effectiveness of our Patriot missiles. I experienced for a moment a feeling of profound vulnerability; one shared, I think, by all Israelis who huddled in sealed rooms day after day throughout this crisis. I was struck then by the depth and importance of our relationship as well as the true value of Israel's restraint to the war effort.

Throughout the course of this conflict, in which 39 Scud missiles were directed at civilian population centers, Israel has maintained the highest state of defensive readiness. This means that the Israeli Air Force, on increased alert, has been continuously patrolling and training around the clock. Reserve units were mobilized, 4 million gas masks were distributed, and a nationwide civil defense network responded to the threat of chemical and conventional attack. For a country that spends one-third of its budget on defense, this additional expense has been an enormous burden.

Mr. Chairman, the $650 million provided for in this bill will be of tremendous assistance in repairing the 8,000 homes and apartments destroyed in Scud missile attacks, and in restoring a degree of calm and confidence in the aftermath of the war.

Mr. OWENS of New York. Mr. Chairman, last October this Congress adopted a budget resolution which mandates a pay-as-you-go funding mechanism for spending increases. Yet, here we are exceeding the defense budget cap, increasing the deficit, when there are ample savings to be found elsewhere in the defense budget. Why are we not applying that same pay-as-you-go funding mechanism to the $15 billion U.S. share of the cost of Operation Desert Storm? So early in this session we should not initiate changes which violate the spirit of the budget agreement.

Almost half a million military personnel were transferred from the United States to the Persian Gulf for Operation Desert Storm. We should find savings to pay for that operation by cutting what we spend in other U.S. bases in foreign countries around the world.

Prior to the gulf buildup, 435,000 U.S. troops were stationed at 395 major military bases in 35 foreign countries; 168,000 civilian Pentagon employees accompanied them. Another 47,000 U.S. Navy and Marine Corps personnel were stationed aboard ships in foreign waters. During the course of Operation Desert Storm, the number of troops stationed abroad rose to 900,000.

According to a recent publication of the Center for Defense Information, every year during the 1980's, the United States spent approximately $160 to $170 billion to defend countries in Europe, $30 to $40 billion to defend countries in Asia, and $20 to $40 billion to protect U.S. access to Persian Gulf oil. That's a total of $210 to $250 billion.

Surely there are $15 billion in savings that can be found within this vast sea of expenditures we already spend on defending other countries. We could cut just 6 percent of what we currently spend in those 395 bases in 35 countries and be able to finance Operation Desert Storm without increasing the deficit by 1 cent.

We are in a time of great budgetary distress. We must examine every detail of spending increases that cost as little as a few million dollars and search for something in the budget that can be cut to finance them.

We must do the same thing for this $15 billion supplemental appropriation for Operation Desert Storm. We must look to the current defense budget to find savings to finance the war.

Last year we talked frequently in this body about the feasibility of bringing the troops stationed in Germany, Japan, the Philippines, and select other countries home. This movement gained strength at the time because of the gains democracy had made in Eastern Europe and because of public realization that while the United States makes massive and expensive efforts to protect the Japanese, their economy continues to gain in strength while competing with our economy.

At that time we wanted to see the savings from such force reductions incorporated in a peace dividend that could be applied to domestic social programs for the disadvantaged, children, and elderly. Many of these programs have seen their budgets cut drastically over the last decade to benefit the military buildup of the Reagan era.

Now the savings would be used, not to fund desperate social programs, not to provide a peace dividend, but to fund another military operation. This funding mechanism which I propose is precisely of the spirit which imbued the budget agreement reached last October. From now on we must find savings in one function of the budget to fund a new program in that same function. Let us begin this brilliantly conceived process right now—tonight.

Mr. Chairman, this is the only fair and equitable way to proceed with finding funds for Operation Desert Storm.

In the next few years we will have to find cuts in education programs to fund needed increases in other education programs.

We are going to have to find cuts in nutrition programs to fund needed increases in other nutrition programs.

We must find cuts in housing programs to fund increases in other housing programs.

Mr. Chairman, we must find cuts in our defense budget to pay for Operatrion Desert Storm. It is only fair. It is definitely doable if we lay aside our business as usual attitude. Cut the bases in Germany and Japan now, Save $15 billion and transfer the funds to pay for Operation Desert Storm.

I urge my colleagues to vote no on this violation of the budget agreement.

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

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

The CHAIRMAN. All time for general debate on this bill has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 1281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide dire emergency supplemental appropriations for the fiscal year ending September 30, 1991, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

All funds provided under this title are hereby designated to be "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

POINTS OF ORDER

Mr. ROE. Mr. Chairman, I have three points of order to paragraphs not protected by the rule, and I ask unanimous consent that the paragraphs beginning on page 24, line 17, through page 25, line 10; page 28, lines 14 through 21; and page 32, lines 15 through 22, be considered at this time so I can exercise my rights under the rule.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. McDADE. Mr. Chairman, reserving the right to object, I am not intending to offer any objection. The gentleman from New Jersey [Mr. ROE] has been kind enough to discuss this with me. I simply want to protect the rights of my friend, the gentleman from Virginia [Mr. WOLF] to know that he will be recognized in accordance with our prior discussion.

Mr. ROE. I agree with the gentleman.

Mr. McDADE. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. Pursuant to the unanimous-consent order, the Clerk will report the first paragraph against which the gentleman from New Jersey may raise a point of order.

The Clerk read as follows:

ARCHITECT OF THE CAPITOL

ADMINISTRATIVE PROVISION

(TRANSFER OF FUNDS)

Notwithstanding any other provision of law and subject to approval by the Joint Committee on the Library, the Architect of the Capitol is authorized (1) to procure, through a rental, lease, or other agreement, not more than 25,000 square feet of temporary storage and warehouse space outside the Capitol Grounds for use by the Library of Congress during fiscal year 1991, and (2) to incur incidental expenses in connection with such use. Subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, amounts for the

purposes of the preceding sentence may be transferred from the appropriation "Library of Congress, Salaries and expenses" to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care". Amounts so transferred shall be available for expenditure upon vouchers approved by the Architect of the Capitol.

The CHAIRMAN. Does the gentleman from New Jersey [Mr. ROE] have a point of order on this paragraph?

Mr. ROE. Yes, Mr. Chairman.

Mr. Chairman, I raise a point of order against the provision in title II, chapter VI, entitled "Architect of the Capitol," beginning on page 24, line 17 through page 25, line 10. That provision violates clause 2 of rule XXI because it is legislation in an appropriation bill.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Chairman, I would hope the gentleman would not insist on his point of order. This is only a small amount of space that the Library of Congress wants to lease temporarily—about twice the size of the room we are standing in.

And the lease authority is for fiscal year 1991 only. That will give your committee ample time to look into the authorization question. Let me explain:

Due to an emergency, the bill contains language which authorizes the Architect of the Capitol to lease 25,000 square feet of warehouse space needed by the Library of Congress for book storage for fiscal 1991.

The Library has run out of space to catalog and store their collections. Last year, we found out that 40 percent of their collections have not been fully processed or cataloged.

We gave them funds to hire the staff to begin working down this vast arrearage.

Now they tell us they need more space immediately to process the special collections: For example, the special collection of 695,000 pieces in the NAACP archives, the collections of the leadership Conference on Civil Rights, the League of Women Voters, and the National Council of Jewish Women, Look Magazine, the Urban League collection, and literally millions of other items in special collections.

The library had estimated a cost of about $13 to $17 per square foot to lease this space through their current GSA arrangement.

That is about three times the current local rate for comparable space. And we have heard of instances where it has taken GSA a year or more to locate and negotiate space.

Since this is legislative branch space, and an emergency need for the Library of Congress, the bill authorizes the Architect of the Capitol to locate the necessary space, just for the current fiscal year. The Architect has been providing space maintenance for the Library of Congress for years. This only furthers that relationship.

Both the Librarian and Architect strongly support this authority.

In the meantime, it would be helpful if the Committee on Public Works provided permanent authority to the Architect of the Capitol to lease space for the Library of Congress. It is unnecessary to have GSA do that for us. It is an anachronism from an earlier time when the legislative branch did not have the necessary expertise.

Mr. Chairman, this is only 25,000 square feet. It is for fiscal year 1991 only. We are trying to save the taxpayers some money here—maybe $200,000. In the meantime, it gives the authorizing committee sufficient time to review the entire situation.

But we want the Library to proceed to clear up these arrearages. It will get the NAACP archives on the shelf much sooner—and the Urban League material—and the tens of thousands of other material that require space now to be processed.

The language merely authorizes a transfer of funds from current appropriations. There is no new money here.

That is another point I want to make. If this language fails and you do come along later with an authorization, the funds will not be there. This same provision provides transfer authority from the Library to the Architect for the lease costs.

If the gentleman persists in his point of order, we would have to concede this is legislation and violates clause 2 of rule 21.

I would hope the gentleman would withdraw the point of order. This is such a small and urgently needed portion of warehouse space. The merit of proceeding seems overwhelming.

□ 1210

The CHAIRMAN. Does any other Member wish to be heard on the point of order raised by the gentleman from New Jersey [Mr. ROE]?

Mr. HAMMERSCHMIDT. Mr. Chairman, I would like to be heard.

Mr. Chairman, I want to strongly support the chairman of the committee, the gentleman from New Jersey [Mr. ROE], for his insistence on the point of order. Obviously it is authorization on an appropriation bill, and we should follow the rules of the House. I strongly support it for all the good reasons previously stated by our distinguished chairman.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. ROE. Mr. Chairman, may I be heard further?

I almost feel like an ogre. There is nobody I have higher regard for in this House than the distinguished gentleman from Florida [Mr. SMITH], but may I call to the attention of the Members of the House that we got a letter 4 days ago finally asking the Committee on Public Works and Transportation, which has total jurisdiction in this issue, for our advice and review.

Now it seems to me that this problem did not happen overnight, and all these good folks have to do is come to the Committee on Public Works and Transportation, and we will process the matter with the greatest dispatch.

In addition, I call to the gentleman's attention that it is not that simple. They also want to transfer all of the authority from General Services Administration to the Architect of the Capitol. Now that is rather a large order, and there will be no delay, I can tell the Members of this House, on these issues whatsoever. In fact it will probably get done quicker, and, therefore, with the greatest respect to the distinguished gentleman from Florida [Mr. SMITH] I must insist upon my point of order.

The CHAIRMAN (Mr. ECKART). The Chair is prepared to rule.

Based on the reasons asserting by the gentleman from New Jersey [Mr. ROE], the point of order is sustained, and the paragraph is stricken.

The Clerk will report the next paragraph in dispute. The Clerk read as follows:

Page 28, beginning on line 13,

CHAPTER X

GENERAL SERVICES ADMINISTRATION

None of the funds made available by this or any other Act with respect to any fiscal year may be used by the General Services Administration to obligate or expend any funds for the award of contracts for the construction of the Northern Virginia Naval Systems Command Headquarters project without advance approval in writing of the House Committee on Appropriations.

The CHAIRMAN. Does the gentleman from New Jersey [Mr. ROE] wish to be heard on his point of order?

Mr. ROE. Yes, Mr. Chairman, I reserve a point of order against the provision of title II, chapter X, entitled "General Services Administration" beginning on page 28, lines 14 through 21. That provision violates clause 2 of rule XXI because it again is recommending legislation in an appropriations bill.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the provision entitled "General Services Administration" be modified by inserting in line 21, after the word "the," the words, "House Committee on Public Works and Transportation and the."

If I may explain, the reason for this is there has been a discrepancy with regard to the cost of this building. GSA came in at one figure, and then the Senate came in at another figure, and in the closing hours there was not any time to go back and look at it. I sent a letter to the GSA and asked them, based on the specification of the Navy

and the GSA, how much would it cost for the building to be built? They are now analyzing that. That report is expected maybe as early as tomorrow.

Second, because there were conflicting statements and wild swings in figures, I have asked GSA to again look at the figures. They have gone back and have contracted out with an expert to look at the specifications of the Navy to see what those costs would be.

Third, I have asked the inspector general of the GSA to look at all the data and make an analysis.

Lastly, I have written today, or will be sending a letter out by the end of the day; I am writing the inspector general of the Department of the Navy asking them to look at this, whereby the Congress will have the ability to look at GAO's figures, GAO's experts, the IG from the GSA, GAO's figures and the IG from Navy, and then the Congress and the American people can be confident that whatever figure is appropriated is the appropriate figure.

The letter referred to is as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 19, 1990.

Mr. CHARLES A. BOWSHER,
Comptroller General, General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: I am writing to request that you perform an accounting review of the request by the General Services Administration (GSA) for appropriated funds to consolidate the Naval Systems Commands (NSC) of the Department of the Navy.

As a member of the House Treasury, Postal Service, and General Government subcommittee, I have serious concerns about the discrepancies between dollar figures for the request, which consists of the first million square feet of a two million square foot project. Since the Administration first sought $821,548,000 for a three million square foot NSC project in a budget amendment transmitted to Congress on March 29, 1990, there have been conflicting statements about the actual dollar amount needed to complete the project.

The Senate Committee on Environment and Public Works has expressed interest in the project, and officials at the GSA and the Navy have offered cost estimates for the project that have varied by tens of millions of dollars, with swings in estimates of $60 million overnight. The conference committee on H.R. 5241 appropriated the amount necessary to complete the first of the two million square feet, relying on the information provided by the career federal employees—and I emphasize career federal employees who are immune from political pressure—that have worked on the consolidation project over the last several years. The committee provided a level of funding intended to avoid future cost overruns.

My concern is that the legitimacy of the competitive procurement process for the NSC project be preserved, in order to ensure that the federal funds are obligated in a manner that reflects the best interests of the American people. I would therefore request that the audit focus on the amount of money needed to deliver the first of two million square feet under the terms of the current procurement.

I also firmly believe that the Congress and the American people should be able to rely on the appropriateness and accuracy of the dollar figures provided by executive agencies in appropriations requests. There were too many discrepancies in the figures provided, where good government demanded that there be clarity and fairness.

I have sent a letter to the Administrator of General Services requesting that he not obligate the funds for the project prior to your investigation of this matter. I would therefore respectfully request that you investigate the matter and report back to the House and Senate Appropriations Committees within 60 days of your receipt of this letter.

Sincerely,

FRANK R. WOLF,
Member of Congress.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] seeks unanimous consent to modify the language subject to the reservation of the point of order of the gentleman from New Jersey [Mr. ROE].

Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of chapter X, as modified, is as follows:

CHAPTER X

GENERAL SERVICES ADMINISTRATION

None of the funds made available by this or any other Act with respect to any fiscal year may be used by the General Services Administration to obligate or expend any funds for the award of contracts for the construction of the Northern Virginia Naval Systems Command Headquarters project without advance approval in writing of the House Committee on Public Works and Transportation and the House Committee on Appropriations.

The CHAIRMAN. Does the gentleman from New Jersey [Mr. ROE] insist on his point of order?

Mr. ROE. No, I do not, Mr. Chairman. I withdraw my point of order.

The CHAIRMAN. The gentleman from New Jersey [Mr. ROE] has a third point of order. The Clerk will report the paragraph.

The clerk read as follows:

SEC. 302. Section 310(c) of the Department of Transportation and Related Agencies Appropriations Act, 1991, is amended as follows: In section 310(c) delete the word "shall" after the word "Secretary"; in section 310(c)(1), insert the word "shall" before the word "provide"; in section 310(c)(2), insert the word "may" after "August 1, 1991"; and in section 310(c)(3), insert the word "shall" before "not distribute".

Mr. ROE. Mr. Chairman, I raise a point of order against section 302 of the bill, beginning on page 32, line 15 through line 22. That provision violates clause 2 of rule XXI because it is legislation in an appropriation bill.

This is a monumental change. This is not a slight item here that we are dealing with. It would absolutely change the whole authorization and process in the law that we have on the transportation legislation, and for that reason it is more than making law. If my colleagues like an appropriation bill, it is literally taking away the authority of the Committee on Public Works and Transportation.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. HAMMERSCHMIDT. Mr. Chairman, I want to support the chairman, the gentleman from New Jersey [Mr. ROE], certainly in his request, and I want to notify the House that I will be putting in a table, which is an estimate of how States might be affected if section 302 of the emergency supplemental appropriation were adopted.

Mr. Chairman, I want to support our distinguished chairman in his request.

Mr. Chairman, the following table is an estimate of how States might be affected if section 302 of the dire emergency supplemental appropriations, as reported by the committee, were adopted. This provision would permit the Secretary of Transportation to hold back a redistribution of obligation authority on August 1, 1991, to States that have highway projects that are ready to go. This redistribution is now required by law. It is estimated that $1 billion will be available for redistribution this August 1.

The following table is based on how much each State would lose if that $1 billion were withheld, based on the relative portion of each State's redistribution in 1989. It is important to note that the formula for redistribution changes each year because priority is given to States having large unobligated balances of apportioned funds, and funds are only redistributed to States that have projects ready to go.

It is also important to emphasize that the States from which this authority is redistributed will not lose anything, since this is authority that they will not be able to use during this fiscal year.

	In thousands
Alabama	$6,467
Alaska	13,500
Arizona	17,339
Arkansas	13,347
California	54,864
Colorado	8,906
Connecticut	6,453
Delaware	5,076
Florida	38,052
Georgia	19,467
Idaho	8,037
Illinois	64,611
Indiana	27,104
Iowa	29,453
Kansas	17,564
Kentucky	28,634
Louisiana	66,267
Maine	6,971
Maryland	12,798
Michigan	29,966
Minnesota	40,086
Mississippi	12,312
Missouri	26,303
Montana	12,785
Nebraska	8,033
Nevada	15,606
New Hampshire	11,043
New Jersey	7,718
New Mexico	29,165
New York	11,898
North Carolina	18,333

	In thousands
North Dakota	$7,038
Ohio	22,091
Oklahoma	13,631
Oregon	10,949
Pennsylvania	33,624
Rhode Island	9,536
South Carolina	20,858
South Dakota	6,818
Tennessee	29,700
Texas	43,353
Utah	16,484
Vermont[1]	
Virginia	50,535
Washington	18,041
West Virginia[1]	
Wisconsin	8,717
Wyoming	11,903
Guam	207
Puerto Rico	8,190
Northern Marianas	27

[1]These states did not receive redistribution in 1989, but would be eligible in 1991.

Mr. MINETA. Mr. Chairman, I rise today in the support of the point of order raised by the gentleman from New Jersey.

I have grave concerns with the provision in H.R. 1281 that would make the August redistribution of unused obligational authority discretionary rather than mandatory.

Current law provides that the Secretary of Transportation shall redistribute unused obligational authority to the States that have projects ready to go on August 1 of each fiscal year.

This is an important provision—one that this Congress has consistently supported—and on which the States have come to rely.

The August redistribution means that States can continue to advance critical and high cost projects. Additionally, this provision enables States to reduce high unobligated balances of funds.

Changing this policy—especially at this juncture—is a mistake. The Committee on Public Works and Transportation is currently in the process of drafting legislation to reauthorize the surface transportation programs which will expire on September 30 of this year.

Further, it would cause the unspent balances in the highway trust fund to rise significantly in 1 year. This erodes our position for expansion of the program and our justification for higher spending levels if States are not able to spend the authority granted them because of these types of artifical budgetary constraints.

Mr. Chairman, I strongly concur with the gentleman from New Jersey's point of order and I urge the Chair to support it.

The CHAIRMAN (Mr. ECKART). Are there any Members who wish to be heard on the point of order?

If not, the point of order is sustained for the reasons advanced by the gentleman from New Jersey [Mr. ROE], and that paragraph is stricken.

Mr. LEHMAN of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to at this time explain the reason that I included the provision that was just deleted by a point of order.

Mr. Chairman, our committee has been very supporting of the highway program. In fact, the $14.5 billion fiscal year 1991 obligation level which our committee recommended and the Congress enacted represented a $2.3 billion increase—almost 20 percent—over last year. The States will receive increased funding as a result of our action.

So, why did we include this provision? The provision was included as requested by the President to permit the Secretary to make the August 1, 1991, redistribution based upon the fiscal and programmatic situation as of that date. Nobody knows in advance what that situation is going to be. It may turn out that by reducing the program a small amount this year, we could increase it by a larger amount next year. It may turn out that the States would be able to obligate the entire $14.5 billion. Their obligation rate is running 10-percent below last year's rates. It may turn out that the entire $14.5 billion can and should be obligated. That is why we required the Secretary to consult with the committee prior to making any changes as a result of the language contained in the bill.

□ 1220

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and administration" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $2,951,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATION, RESEARCH, AND FACILITIES

For an additional amount for "Operations research, and facilities" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $2,775,000, to remain available until expended.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for "Scientific and technical research and services" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $1,610,000, to remain available until expended.

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to provide for additional costs resulting from Operation Desert Shield/Desert Storm, $4,633,000.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to provide for additional costs resulting from Operation Desert Shield/Desert Storm, $3,103,000.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $39,700,000, of which $10,000,000 shall be available notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, as amended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for "Emergencies in diplomatic and consular service" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $9,300,000, to remain available until expended, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, as amended.

RELATED AGENCY

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $6,800,000, of which $1,400,000 is to be derived by transfer from unobligated balances in "Radio Construction" subject to the Department of Defense waiving reimbursement for transportation, personnel, and related costs for establishing a temporary medium-wave broadcast facility for the Voice of America in Bahrain.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY OPERATION DESERT SHIELD/DESERT STORM

ADDITIONAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

For incremental costs of Operation Desert Shield/Desert storm, $338,600,000 is appropriated for transfer from the Defense Cooperation Account to the following accounts in not to exceed the following amounts:

Mr. WALKER, Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not have an amendment to offer at this point, but I just wanted to put in some kind of framework what we are doing here, because very often when we spend this amount of money, it is a little unclear to the American people about how that amount of spending will affect them. I think it is fascination to take a look at what each million or billion in spending actually means to the individual taxpayer and maybe reduce it to the bills we are presently considering.

This particular bill is $4.1 billion. Most people in my district have no idea what a billion dollars means. Most people on this floor have no idea what a billion dollars really means. We talk about it a lot, but we do not really know. The fact is that $4.1 billion means that every taxpayer is going to be charged something on the order of $45 for this particular bill, so that every taxpaying family in the country is being charged $45 for what we are doing here today.

I point that out only to assure that the priorities are such that the average family would think about that $45 in the same terms they think about spending at the local store. For most families in my district, a $45 expenditure is not a minor item. It is something that impacts heavily on their weekly budget. Before they go out and

spend $45 in one expenditure, they probably think a good deal about it.

They also ought to be thinking about the way in which we spend money here, because today, as we enact this bill, we are spending $45 of their money. I think that that makes it far clearer to the average family about what it is that we do, and I would hope that most Americans will take a look at this particular bill and try to decide whether or not the $45 that is being spent on their behalf is spent on high priorities, items they would consider in what their budget should be. My guess is that they would find a number of items down in this bill that they do not regard as high priority items or that they do not regard as being worth their $45. In other cases they would find items here that they would find very, very important and would think they are worthwhile.

In those terms, though, maybe we can begin to decide whether or not our spending is, in fact, justifiable; and I simply point that out because I think it is important for us to determine what we do, not only on the basis of the budgets we have in the Congress but on the basis of the budgets of the American families that these budgets impact.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PROCUREMENT

(TRANSFER OF FUNDS)

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile procurement, Army", $269,300,000.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of ammunition, Army", $29,600,000.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $34,700,000.

GENERAL PROVISION

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) The transfer authority provided in the foregoing paragraphs is secondary to the authority provided in the "Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991."

(b) The authority provided in this Act to transfer funds from the Defense Cooperation Account is in addition to any other transfer authority contained in this or any other Act making appropriations for the Department of Defense for fiscal year 1991.

(c) Amounts transferred from the Defense Cooperation Account in this Act shall be merged with and be available for the same purposes and the same time period as the appropriations to which transferred.

CHAPTER III

DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, $3,565,000, to remain available until expended.

CHAPTER IV

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the Agency for International Development" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm $6,000,000 to remain available until September 30, 1991, which shall be made available only for the costs of evacuating United States Government employees and Personal Services Contractors, their dependents, and for subsistence allowance payments: *Provided*, That such funds may be obligated and expended notwithstanding section 10 of Public Law 91-672.

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic Support Fund", $650,000,000, to provide for additional costs resulting from the conflict in the Persian Gulf, which shall be made available only for Israel: *Provided*, That such sum shall be made available on a grant basis as a cash transfer and shall remain available for obligation until September 30, 1991. *Provided further*, That such sum may be used by Israel for incremental costs associated with the conflict in the Persian Gulf, notwithstanding section 513(e) of the Foreign Assistance Act of 1961: *Provided further*, That such funds may be obligated and expended notwithstanding section 10 of Public Law 91-672.

AMENDMENT OFFERED BY MR. VALENTINE

Mr. VALENTINE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VALENTINE: Page 7, strike line 9 and all that follows through line 21.

Mr. VALENTINE. Mr. Chairman, I rise today to offer an amendment to strike a portion of the dire emergency supplemental appropriations bill that would provide $650 million to the State of Israel by creating an economic support fund.

On paper, Mr. Chairman, my amendment seems insignificant in its brevity, but its effect is very significant to the taxpayers who will be forced to pay the bills that we run up here today.

Mr. Chairman, I do not believe that the majority of Americans share the wish of this Congress to grant to the Israeli Government an additional appropriation of funds at a time when we are struggling under the weight of a recession and the first estimates of the huge cost of Desert Shield and Operation Desert Storm.

Let me make it clear, Mr. Chairman, that I believe that the Israeli nation is one of our best friends in the Middle East and in the world, and I value this important relationship. I have been and will continue to be a vigorous supporter of Israel. Few people have suffered as the Israelis have, and no one has achieved the success from such hardscrabble beginnings that they have.

They have made the desert bloom, and they have created a democracy unique in the Middle East. The Nation of Israel is a shinning example of the power of democracy, and it deserves our continued support.

However, I cannot understand how this Nation can afford to be so forthcoming with funds that we do not have. We simply cannot afford to continue to support the economies of other nations when our own economy is stagnant.

The primary target of this amendment is not Israel; it is a foreign aid policy that is hurting Americans. The task of reducing and streamlining the Foreign Aid Program is long overdue. This proposed aid to Israel offers an excellent opportunity to begin the process.

I do not want to be misunderstood. Our record clearly demonstrates that America is a generous Nation and that Americans recognize their responsibilities to the world. I am not suggesting that we turn our backs on those nations that need help; I am just suggesting that we inject some realism into our policies.

As stewards of the ship of state, we owe it to the citizens of this great Nation to remain ever vigilant with their money. By continuing to provide outrageously large amounts of foreign aid, we sacrifice our own future economic well-being and our ability to control our already enormous budget deficit. We must, Mr. Chairman, draw the line somehow and somewhere.

□ 1230

The unspeakable must be spoken. Mr. Chairman, this is that time, this is that place, and this is that opportunity.

Mr. Chairman, I do not delude myself. I do not know how many votes we will get for this proposition. I might leave the floor myself on a stretcher, figuratively speaking. But many Members of this House know in their heart that I am right

I urge Members in the House to support the hard-working, taxpaying citizens who elected them, by supporting this amendment.

Mr. Chairman, foreign aid is completely out of control, and an overwelming majority of Americans are disgusted.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, one of the reasons that this country feels so good right now about what has happened in the Persian Gulf is that after the country debated, and after the Congress debated, we came together. We supported the decision that was made, and so we came out of the war together, because we went into it together, and we prosecuted it together.

At the time of the vote in the House I gave a speech, and I said roughly the following. I said, do not vote to strike up the band today, unless you are willing to face the music afterwards.

Ladies and gentlemen, this is part of the music. The fact is that we have incurred in that war substantial financial obligations. We will have an obligation to support veterans benefits, and we will have an obligation to support war-related foreign assistance requests that come to us from the administration, assuming we think they are rational.

Mr. Chairman, I am going to be very frank and very blunt about this issue before us today. After the war was over there was a lot of talk in this town about whether or not there was going to be additional aid for Israel. The Israeli Government made an official request of the administration to provide $910 million in additional assistance, which represented Israel's estimate of costs that they had incurred during the war with Iraq.

I told the administration, I told Secretary Baker, I thought those numbers were outlandish. I told the administration that I thought they ought to scrub those numbers.

I told the administration that if the administration concluded that we ought to have a reduced number, I would support that number, and if they concluded that we ought to provide no additional funding, I would support that decision also.

The administration negotiated with Israel on what should be provided, and they concluded that because Israel had undergone some 39 Scud attacks and had incurred a signficiant amount of additional expenditures, they concluded that because Turkey, Egypt, and, yes, even Jordan, had received some $20 billion in outside help to deal with the costs of the war, that Israel should be compensated partially for the costs that they had incurred.

So they agreed to a package which contained two pieces. The administration agreed to a package which would provide $650 million in assistance to Israel in this bill, and they also signed onto a package which indicated that there would be no additional attempts by anyone to provide any additional aid to Israel until after Labor Day.

Now, why is that important? It is important because there is another potential request pending for aid. That request is expected to come from the Israeli Government to the tune of $10 billion in loan guarantees to support costs of absorbing the exodus of Soviet Jews from the Soviet Union to the State of Israel. That would amount to about $2 billion a year in loan guarantee costs to Uncle Sam, if we were to undertake that obligation.

Now, in my view we have an obligation to try to help every Soviet Jew who wants to leave the Soviet Union, because of the past history of that society. But I also think that the State of Israel has an obligation to us. I think the entire Middle East has an obligation to us.

Right now, very frankly, I do not think we owe any party in the Middle East a dime. I think that every country in the Middle East owes us one whale of a lot. I think from the Arab world, we have a right to know that the Arab world is going to engage in conduct which will make tomorrow different than yesterday in the Middle East. I think that means that the Arab States have an obligation to recognize the necessity to deal directly with Israel on the appropriate issues at hand.

I think we also have a right to expect that the oil rich Arab States will provide an aid program in their own region for the poorest countries in their own region, to address the difference between the haves and the have nots in that part of the world. I think that is an Arab responsibility, not an American responsibility.

I think that Israel has an obligation to the United States to do two things.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 4 additional minutes.)

Mr. OBEY. Mr. Speaker, I think Israel has an obligation, first of all, to make clear that they are willing to deal, and deal generously on the issue of the Palestinians. Because in my judgment, until that issue is dealt with, there will be no peace in the Middle East, and until that issue is dealt with, we will not have guaranteed that Americans will not again have to shed blood in the Middle East.

The second thing I think Israel has an obligation to do is to see to it that every Soviet Jew that is resettled in Israel, is resettled in an area which does not inflame the region. By that I mean I do not believe those additional refugees ought to be settled in what is now referred to as the occupied territories in the West Bank and Gaza.

Mr. Chairman, I say that, because so long as they are resettled in that area, any Arab radical in the region can use that issue to prevent us from finally sealing the opportunity that we have now to finally achieve some kind of peaceful resolution in the Middle East.

I think, therefore, that the administration request here today ought to be supported, because the agreement reached makes quite clear that there will be no additional requests that the Congress will consider—and that the administration will consider—until the administration has had sufficient time to put together its own approach for dealing with the Middle Eastern peace process and to put together its own approach to dealing with Middle Eastern security arrangements.

That is the way it ought to be. Everybody ought to stay off the administration's back while they try to put together this package. That means they need to know that there will be no end runs in the Congress to try to appropriate money for any party in the Middle East until the administration has an opportunity to put together its peace package.

Therefore, I think what we ought to do is stay united this afternoon on this issue. The administration has submitted a formal budget request, which I now have in my hand. I have a letter from the President of the United States asking Congress to consider this a dire emergency and to support the amount contained in the bill. We are going to have to have the Congress and the administration walking together for a long time on the approach to the Middle East if we are to achieve peace in that region and to guarantee that Americans who died there did not die in vain.

Mr. Chairman, this is part of the price we have to pay for the actions that took place over the past month. We need to stay together with the administration. We also need to see to it that in the future there will be a policy of arms denial to the entire region, so that we do not have a situation like this ever develop again.

□ 1240

So I would urge Members to support this request by the administration. It was agreed to unanimously in the Appropriations Committee on a bipartisan basis.

If Members want to argue about what aid levels we ought to have for the Middle East, argue about it when the regular appropriation bill comes up. But this request deserves our unanimous support, and I urge Members to give it just that.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has again expired.

(On request of Mr. KLECZKA and by unanimous consent Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. KLECZKA. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from Wisconsin.

Mr. KLECZKA. Mr. Chairman, could the gentleman from Wisconsin share with the House the precise Israeli costs which we will be reimbursing with this $650 million?

Mr. OBEY. I do not understand the gentleman's question.

Mr. KLECZKA. We are appropriating today $650 million. What are we reimbursing Israel for? Is this for gas masks, for building damage? What is it to be used for?

Mr. OBEY. I would not describe it as reimbursing Israel. What we are doing, what the administration is doing is recognizing that every state in the region incurred large expenses associated with the effort to contain and roll back Saddam Hussein, and that Israel felt that they were entitled to receive aid

from the outside world of approximately $910 million.

The administration felt that a more accurate assessment of their needs was $650 million.

Mr. KLECZKA. If the gentleman will yield further, are we buying armaments? Is this additional tanks, or Patriots, or what?

Mr. OBEY. No, we are not buying additional arms. We are simply helping Israel to pay for the costs associated with the necessity for them to stand in a constant state of readiness for well over a month as they were preparing for and then enduring the Scud attacks which came from Iraq.

Mr. KLECZKA. I thank the gentleman.

Mr. McDADE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from North Carolina [Mr. VALENTINE].

Mr. Chairman, I think we need to look closely at what we are talking about here today. As we know, the bill provides dire emergency funds for events related to Desert Storm, and surely Israel, while not originally considered a front line state, became a front line state. Israel suffered the dire consequences of this war as keenly as any state in the engagement.

All of us heard the wailing sirens over Israel as the Scud attacks occurred, 30 of them. There were 200 casualties in the cities of Israel, thousands of homes were destroyed, and scores of people were left homeless.

The nation was forced to engage in an immediate civil defense activity to try to supply gas masks to each citizen, all of whom expected to experience a Scud attack with a chemical warhead attached in those terrorist attacks over the nation of Israel.

This is a formal request of the President of the United States, negotiated, as my friend from Wisconsin has said, between the Members on both sides of the aisle of the Appropriations Committee. It was adopted in a bipartisan, may I say unanimous, vote in the Appropriations Committee. And it ought to be adopted on that basis alone.

But we ought not to forget that the entire purpose of Saddam Hussein's attacks on the State of Israel was to try to draw Israel into a confrontation. He hoped this would upset the normal relationship existing in the area and inure to his benefit by breaking up the coalition which the President, the Secretary of State, and others in the world had so carefully crafted.

Mr. Chairman, in my judgment, this is an appropriate amount that has been worked out by the administration and by the Congress, and I hope it will be adopted. I oppose the amendment offered by the gentleman from North Carolina to strike these funds from the bill.

Mr. SMITH of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me rise in opposition to this amendment and support what my chairman, Mr. OBEY, had to say, and the ranking member on the Republican side, Mr. McDADE, who has explained in some detail what this is.

Let me also just suggest to Members that there has always been a cost associated with our trying to defend peace and freedom around the world. That has never been free to us. There has always been a cost, a price to pay.

We have a democracy in that region, one that has free elections, one that has representative government, one that cooperates with us on hundreds and hundreds of issues of common importance to the strategic interests of the United States, to the economic interests of the United States, to the social and cultural interests of the United States. We have a shared background, a shared religious belief, and there is no reason to misunderstand why the administration has requested this money.

They believe, as many of us on the Appropriations Committee obviously believed, and the President himself, having sent that letter to the Congress believes, that the cost that Israel has incurred as a result of our Desert Storm/Desert Shield operation is a cost that would not have been incurred otherwise and, therefore should be reimbursable.

If Members look at some of the other front line states, and one in particular, Jordan, which was not only involved in this war but took the side of Iraq and Saddam Hussein, they have been compensated. Over $7 billion in cash has been paid out from a coordinated fund that the United States helps administer, funded by other countries, and that in fact has gone to pay Turkey over $2 billion and Jordan over $2 billion or close to $3 billion, and to Syria between $2 billion and $3 billion, Syria, a state which just until recently we considered a haven for terrorists, which is still on our State Department's list of states that sponsor terrorism, a country which we still embargo arms to. And Jordan, a country who has now spit in our face while accepting our money. They have been reimbursed, and now we are here fighting over the one democracy, the country that stands beside us consistently, votes with us at the U.N. more than any other country in the world, supports our policies, and is one of the few hopes that we really have to bring peace in this region. Now somebody says they are not entitled to anything.

Let me tell Members, the gentleman from Wisconsin asked a valid question about what the money is for, and since we started this campaign and the war began, that country has had to mobilize their military. It is only a little over 4 million people. That means people in everyday walks of life, just like Americans, have had to go into the military. But when you have 250 million people your economy does not feel it the same way as when you have less than 4 million. So the military mobilization has cost them a great deal.

In addition, they have had flying all of their Air Force, 24 hours a day, patrolling all parts of that country.

They have had to distribute gas masks to the total population.

All of these are military costs that are associated with what we were doing in that region, and it is only fair that we should help bear the cost. We are not bearing the full cost. Israel submitted a request and with documented evidence of over $1 billion worth of costs, and this is not going to compensate them all the way. And perhaps we should not. They have an obligation for their own defense, and they have picked up that obligation considerably.

In the matter of fairness, in the matter of the importance of Israel to the strategic and best interests of the United States, this is something that we need to do.

And remember something else. Our Secretary of State, to his credit, for the first time is on his way to Israel to discuss with the Israelis, under a new approach that the State Department is taking, what they call parallelism, or what we might call a two-track approach to discuss not only the Palestinian issue, but how they can get the Arab States and Israel to sit down and finally try to work on some lasting peace arrangements.

Is there any more logical time than now for Saudi Arabia to undeclare, to revoke its declared war with Israel that has existed since 1967?

□ 1250

Is there a better time than this to try to get Syria, which has been in the coalition with us, to do the same? I think not.

All of our actions now and what we are doing here are calculated to try to make that work by keeping especially Israel an ally, strong and capable militarily of standing guard and holding to its line.

I urge the Members to defeat this amendment and any other amendment that will cut this money.

Mr. HUBBARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate this opportunity to speak on the Valentine amendment, which would strike from the supplemental appropriation bill the amount of $650 million for additional assistance for Israel.

First, let me say that as a Christian, as a Baptist preacher's son, I was brought up to love, adore, appreciate, and admire Israel, the Holy Land. In my office in the Rayburn Building, some of the favorite pictures in my office are pictures of my father, Dr. Carroll Hubbard, a Baptist minister for 51

years, and his preaching at the Mount of Olives, in Bethlehem, in Jerusalem. My father visited Israel on five different occasions during his lifetime.

We in the United States Congress already appropriate $3 billion a year for Israel. I repeat, we in the Congress of the United States appropriate $3 billion a year for Israel.

My colleague, the gentleman from Florida [Mr. SMITH] was talking about why we need to give money to Israel, because we give aid to Syria and to Jordan.

Well, the great majority of my constituents in Kentucky are not for foreign aid to go to Syria and Jordan, and they have asked me during these 17 years I have served in Congress to vote no on money to countries such as Syria and Jordan. There are more "Noes" on the appropriation bills for foreign aid than there would be, because we include countries like Syria and Jordan.

I represent Fort Campbell, KY; 20,500 soldiers from the 101st Airborne Division at Fort Campbell are over in the Persian Gulf area right now. Think of the loss to Oak Grove and Hopkinsville, KY, the loss to Clarksville, TN, and the other towns near Fort Campbell during the many months that 20,500 soldiers have been in Operation Desert Shield and Desert Storm. The businesses in that area have suffered substantially because of the war and the fact that 20,500 soldiers from Fort Campbell are in the Middle East. Some of the area businesses have gone bankrupt. Many are closed at this point.

We should be considering a supplemental appropriation today for the businesses close to Fort Knox, KY, or Fort Campbell, KY, or Fort Stewart, GA, or the other places where our military has gone from.

What we have accomplished for Israel and the countries we work with and consider allies in the Middle East is that we have knocked out Iraq. We have defeated Iraq. We have caused Iraq to no longer be a threat to Israel.

Mr. Chairman, ladies and gentlemen of the House, as the gentleman from North Carolina [Mr. VALENTINE], the author of this amendment, said, he probably is in the minority on this issue, but there should be some who say today in this House of Representatives that we do not have the money to give another country an additional $650 million.

Where are we going to get the money to pay for all of the successful operations in the Persian Gulf area as we have wiped out Iraq in a matter of weeks? We are still hoping Japan and Germany and other countries will come through with their financial commitments, but we cannot be certain each of these financial promises will be fulfilled.

The taxpayers of this country are going to be paying for a long time for Operation Desert Shield and Desert Storm, and now we are being asked to give a country to which we give $3 billion a year an additional $650 million because of some of the sufferings and happenings there.

Indeed, our military, I am proud to say, has been in Israel seeing to it that we lessened the damage to that wonderful country. There is no way to guess how much damage would have been inflicted upon Israel by the madman dictator Saddam Hussein if it had not been for American soldiers and American weaponry, equipment, and Patriot missiles.

How can the Members of Congress go home this weekend and tell their mayors and county judges of their cities, towns, and counties that we do not have money for Federal revenue sharing for the cities, towns, and counties of the United States of America, but we do have an additional $650 million for a country to which we are now sending $3 billion a year?

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. HUBBARD] has expired.

(By unanimous consent, Mr. HUBBARD was allowed to proceed for 1 additional minute.)

Mr. HUBBARD. Mr. Chairman, I would ask my colleagues before they vote yes or no on the Valentine amendment, to remember how much our national debt is, how much our continued Federal spending is, how much we are out of balance budgetwise.

Someone will ask: "Where is the money coming from for this extra $650 million?" The answer: "Oh, just the same limitless, endless well from which we spend everything else as our Nation goes deeper, deeper in debt."

I close by saying that my constituents appreciate Israel. Most of my constituents consider it the Holy Land, but we also love the United States of America, and we know we are in deep financial trouble. As much as we have done for Israel and the Middle East by being in Operation Desert Shield and Desert Storm, my constituents would say to the Members, "We think $3 billion in annual aid to Israel from the United States is enough."

Mr. ZIMMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is times like this when it is important to remember who your friends are.

The war in the gulf has shown us that nations that were purporting to be our friends turned out to be sympathetic to our adversaries. Nations that were our adversaries temporarily and for their own reasons became our friends, and our allies who kept us at arm's length and would not allow our troops within their borders allowed us to station our troops there when their very existence was at stake.

Mr. Chairman, there was only one nation before, during, and after this crisis in the Middle East that was a staunch ally of the United States, and that is the State of Israel. That is the reason that we should be supporting this appropriation.

The gentleman from Kentucky indicates that the motivation for this appropriation is a sense of altruism or a nostalgic appreciation of Israel as the Holy Land. That is not it at all.

What we are talking about is the national self-interest of the United States. It was not in the interests of the State of Israel to refrain from striking back at Iraq when Iraq rained it with Scuds. It was in the interests of Israel to maintain its reputation as a fierce defender of its sovereignty, to exercise the right, which every sovereign nation has the right, of self-defense.

It was in the interests of Israel to retain its credibility as a strong country that would defend itself with its own arms.

It was in our interests, the interests of the United States, for Israel to refrain from striking back, and it was our interests that were served while they stood by and accepted the punishment that rained down on them from the State of Iraq.

I do believe it is in our interest to preserve and to sustain this country which is our only reliable ally in the region. As we have said many times, if we are fighting for freedom in the Middle East, if that is what our troops went there for, we should recall that it is Israel which is the only country which exercises political freedom in the sense that we understand it. It is the only nation in that region which is a model of democracy and civil liberties which this country stands for.

□ 1300

It is not out of a sense of obligation to another nation for altruistic reasons, but rather it is out of our own self-interest that this appropriation should be supported and this amendment should be defeated.

Mrs. LOWEY of New York. Mr. Chairman, I rise in opposition to this amendment. I rise in strong opposition to this amendment and to all other amendments to this bill which contemplate cutting aid to our closest Middle East ally, Israel.

Israel, remember, was a frontline state during the gulf war. She suffered 39 devastating attacks by Iraqi-Scud missiles. These attacks resulted in more than 200 casualties, including several deaths. They also resulted in the destruction of over 8,000 homes, leaving nearly 1,700 families homeless. During the war Israeli forces were forced to remain on the highest state of alert, resulting in huge costs to the Israeli defense forces.

My colleague asked before, where is this money going to go. It is going to go to ground force, air force, spare

parts, stockpiling of weapons, ammunition, civil defense measures. There were enormous costs associated with civil defense preparedness, including the distribution of 4 million gas masks to citizens of Israel. Further, the Israeli economy suffered substantial losses at a time when the burden of coping with huge numbers of Soviet refugees is already causing severe problems.

The simple fact is that the defense budget of our closest ally has been stretched to the limit in seeking to cope with the costs of the Persian Gulf war, and to defend against the ongoing threat from Arab States, which continue to reject Israel's right to exist.

Other frontline nations, including Turkey, Syria, Egypt, even Jordan, have received foreign assistance amounting to more than $20 billion as a result of the war. On the other hand, Israel must look primarily to the United States for much needed assistance and aid.

Today, we are debating providing Israel with $650 million in emergency assistance, less than 4 percent of the total pledges made by coalition members for postwar rebuilding. More than that, we are debating the importance of standing by one of our closest allies, the only democracy in the Middle East, in her time of urgent need.

Mr. Chairman, if not now, when? If not the United States, who? A strong and secure Israel is in our Nation's best interests. We must defeat this and other amendments to threaten Israel's security.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words, and to rise in opposition to the amendment.

I have to say very simply what I watched when the Scuds started hitting Israel, and I saw some of the damage and the effects on the population in Israel, and I was amazed over the next few weeks, and I guess months in this case, to see the amazing amount of restraint that the Israelis and the Israeli Government exercised in not immediately attacking, and in cooperating with the United States. There was a tremendous amount of public outpouring on the part of Americans because of what they saw with the Scud attacks, and because of the restraint that the Israeli Government exercised.

There is no question in my mind that this additional $650 million is needed. We know what the costs have been to Israel. It is estimated that in terms of their military operations since the war began, that they have probably spent close to $1 billion. They cannot afford it. I was in Israel about 18 months ago, and it was quite clear to me the amount of money, the amount of preparedness they spend for their defenses. Their economy is in particularly tough shape right now because of increased immigration and the housing and the other benefits that they have to provide to the new arrivals.

It seems to me this is the minimum that we can do to one of our greatest friends, to one of the few democracies in the Middle East in that part of the world, and to a country that has consistently sided with the United States. I think this amendment is wrongly placed today. I am very much opposed to it, and I hope the rest of the Members of the House will also agree that we should support the supplemental appropriation.

Mr. PAXON. Mr. Chairman, I move to strike the requisite number of words, and to rise in opposition to the amendment.

Mr. Chairman, during the past 8 weeks the world has witnessed the kind of terror that Israelis live with each and every day. During the past 8 weeks we in this body have watched from the safety and security of half a world away as Iraqi Scud missiles have rained down on innocent civilians in Israel.

Today still, half a world away, we are debating the price tag on our friendship with our only ally, our only true ally in that turbulent region, a friendship that has withstood the test of time.

Israel has played a pivotal role in the unique coalition against Saddam. She showed patient restraint. Her steely resolve spoiled Saddam's plans to tear the coalition apart. The world doubted neither the right nor the ability of Israel to defend herself against Saddam's attacks, yet Israel responded with great courage and valor and foresight.

However, the costs of her restraint were high. Saddam launched 39 Scuds toward Israel, causing over 200 casualties. Tragically, 14 deaths. Over 8,000 homes and apartments were destroyed, leaving 1,700 Israeli families homeless. Moreover, Israeli defense forces have been on 24-hour alert since Iraq first invaded Kuwait last August. Not only was the military mobilized, but Israel's civil defenses were activated as well, and 4 million gas masks were distributed.

Meanwhile, Jordan has received over $500 million in assistance from Japan and Europe; Syria over $200 million from Saudi Arabia and the Gulf States; and Egypt has received $19 billion, including $7 billion in debt forgiveness from the United States. Israel undoubtedly deserves these funds we propose today, as other nations on the front line have received funding. However, some in this body have already forgotten our debt of gratitude to the brave people of Israel.

I ask my colleagues, let Members not forget so quickly, the other heroes of the war in the Persian Gulf. Let Members not forget Israel.

Mr. SCHUMER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to this amendment.

Many of the points have already been made and been made very well. Let Members remember that today's New York Times documented this, that during the war Israel was very eager to respond on her own and eliminate the threats of Scuds. As the newspaper articles revealed today, she had a plan. The plan was to bring in helicopters and commandos, and with soldiers on the ground, chase down these Scud launchers and destroy them. No doubt, they would be destroyed had Israel done that. No doubt Israel would have suffered casualties, and that always is what Israel has been willing to do.

The Israelis do not want America to fight for them. The Israelis simply want the wherewithal to defend themselves, as the rest of the world turns against them, as the rest of the world will sell whatever it takes to Iraq and to Syria and to so many other countries. However, this time was indeed different because the United States, our country, asked Israel not to respond, not to respond so that the coalition between the United States and Arab nations including Syria, Saudi Arabia, the Gulf States, all of those states in a war with Israel, they are, right now, in a permanent state of war with Israel. Also, they might not leave the coalition. Israel would have preferred to go in on her own, unlike my good friend, the gentleman from Kentucky said. Israel did not want the United States to make this fight. However, the United States asked to.

What an irony it would be, ladies and gentlemen, if Israel's forebearance, her forebearance for her ally and friend, the United States of America, kept the coalition together that then proceeded to try and dismember the State of Israel. That, in my opinion, ladies and gentlemen, was the fallacy of the President's remarks last night. We are not going to be able to move to a quick settlement in the Middle East until one thing is done: until Saudi Arabia and Kuwait and all the Syrias and all the Arab States, once and for all, end their state of war with Israel, and recognize her right to exist. Administration after administration has tried to get them to do that, but Our President and our country have untold leverage to do it now.

□ 1310

That ought to be the first step to peace, but until that happens, then we must, it is in our own interests as well as what is right and what is moral and what is humanitarian, to give Israel the aid she needs.

Syria, Israel's mortal enemy, has gotten $2 billion in aid for being an ally. Syria did not suffer the damages Israel did. Syria did not play much of a role in the fighting, and yet she has gotten $2 billion.

Jordan, the state of Jordan, King Hussein who was Saddam Hussein's ally, also on Israel's border in a state of war with Israel, has gotten $500 million in aid from Japan and the European community, and Israel who has suffered damage, the destruction in Tel Aviv would be proportionate to losing a city in America the size of Cleveland, has not gotten any help. Her economy was shut down by the war. Citrus could not be picked. Tourism was gone. People had to stay in their houses, all because our country asked Israel not to respond, to keep the alliance together.

It is only fair, it is only right, it is only in America's interest to repay that debt of gratitude and do what is right and what is in our own interest, and that is to support the $650 million that the Appropriations Committee in a bipartisan way has wisely added to this emergency appropriation and to defeat both the Valentine and the subsequent Traficant amendments.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I agree with the chairman of the entire committee. I agree with Chairman OBEY. I agree with the gentleman from New York [Mr. SCHUMER], the gentlewoman from New York [Mrs. LOWEY], and I agree with everybody who has risen today and said that Israel has a legitimate claim. They certainly do, and it should be sent to the United Nations.

Mr. Chairman, if Iraq is going to make reparations to Kuwait, Iraq should be held to make reparations to Israel.

Now, we are going to be questioned here today about micromanagement. Mr. Chairman, when you find in my opinion mismanagement, it is appropriate to have some micromanagement.

Let us talk a little business. I say that today Israel is in a lot better shape than they were a year ago. Their major threat in the region, Saddam Hussein, has been destroyed. He has been dismantled. In fact, if America has a great concern, there will be a power vacuum filled by some fundamentalists from Iran that may be more troublesome for us than for anybody else.

While you evaluate this, at the end of the last Congress there was $400 million in housing guarantees for Israel. It was widely reported that Israel wanted $1 billion for damages due to the attacks from Scud missiles.

It was also widely reported that the administration was trying to settle on a figure of $400 million, but they were concerned that if they did not come to an agreement of $650 million, that figure could even be higher.

So as a result now we have an appropriation that was not budgeted for at the end of last year, even though we almost shut this Government down. We bring this appropriation as emergency spending, and I do not think it is emergency spending.

What are we going to do next, Mr. Chairman, to accomplish goals? Will we take the deficit and the debt off budget?

Now, $3.1 billion on a regular basis, $400 million in housing guarantees last year, the President, a conservative Republican, asked this Congress in a dire supplemental to give him about $600,000 for housing and programs for housing and for poor people, people who never owned a home. Now, we may not totally agree with all the elements of that policy, but I give the President a lot of credit. I do not know of anybody who will say it, but will somebody, some day, say that maybe Congress found the money and the time to consider supplemental aid for Israel, but did not take the time nor find the money to provide any supplemental aid for the homeless, for the poor in our own country.

Now, let us tell it like it is. It has gotten to the point when it comes down to a vote on Isreal, everybody gets concerned. The dear gentleman from South Carolina [Mr. VALENTINE] said that he does not know if he is going to be carried out on a stretcher, but he is going to ask for a vote. Now, why would he be concerned about being carried out on a stretcher? When you talk about votes for Israel, there are those reporters who say that there exists in this Congress an Amen Corner. I say here today to the Congress, if there is such a thing as an Amen Corner, then it is time for Congress to say Amen.

Now, I am not an enemy or opponent of Israel, but $3.5 billion last year, while we were raising premiums on Medicare for mom and dad, raising taxes, makes no sound management to me at all.

Now, I am going to support the gentleman's amendment and I would hope before it is over that we would at least consider finding some money within this pool that maybe the gentleman from Arizona [Mr. KOLBE] and the gentleman from Virginia [Mr. MORAN] might be able to have some little funds to have their measure appropriated for some money for housing in our country.

We responded with a coalition. That coalition is well now after it is over and faces a financial responsibility. Everybody should be coming up with a piece of that money. I do not deny Israel's claims. Let them send them to the United Nations.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am pleased to rise in strong opposition to the Valentine amendment striking the $650 million supplemental appropiration to AID's economic support fund that has been earmarked for Israel, and in opposition to the Traficant amendment cutting $250 million from the fund.

The entire world, and most of all our allies in the coalition, all lauded Israel's restraint when as a noncombatant nation it was ruthlessly attacked by Iraqi missiles, inflicting severe casualties and wreaking havoc on Israel's residential area. This AID funding is only a token payment, a token payment try to help the State of Israel reconstruct its damaged cities and to assist the Israeli economy in recovering from its significant losses that resulted from the Persian Gulf hostilities.

Mr. Chairman, I urge my colleagues to support the funding and to defeat both the Valentine and the Traficant amendments.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I have stood on this floor and argued vigorously for reductions in foreign aid in the past. I have worked to cut aid to specific countries and to reduce foreign aid dollars in general, and I will continue to do that when that aid does not further our own national interests.

There are ambassadors from countries all over the world and more than a few people in our own State Department who will tell you that MICKEY EDWARDS is not a great friend of foreign aid, but this amendment, this attempt to bash foreign aid when it is being offered to help ensure our own security is really a very, very serious mistake.

We are all delighted by our success in putting together a coalition which included a number of Arab States. It was a great step forward, both in enhancing American influence and in moving toward the basis for peace in the Middle East, but the world has not yet changed. Israel remains our constant ally in a part of the world which is bristling with weapons and still unfortunately harbors great hostilities. Some countries in that region continue to be armed by the Soviets. Most countries in that region remain in a state of war with Israel. Israel's security, Israel's strength, are essential to peace in the Middle East.

□ 1320

This attempt to cut foreign aid may look good at home, but we are elected to protect the interests and security of America and its essential allies. Both this amendment and the one to be offered by the gentleman from Ohio are serious, serious mistakes, and a Congress which is dedicated to insuring peace in the Middle East should reject these amendments and reject them very soundly.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, I should like to associate myself with the remarks of the gentleman from Oklahoma. I think he has made a very eloquent persuasive speech.

Mr. Chairman, the administration supports this appropriation. The administration is very much aware of the contribution that Israel made in helping keep the coalition intact during the hectic and bloody days of the war. I think the administration is to be commended for having provided the funds to Israel to compensate in measure for the great damage that was done to Israel in restraining itself from having participated in the war.

I join the gentleman in his statement and I urge that the following amendment be defeated.

Mr. EDWARDS of Oklahoma. I thank the gentleman for his remarks.

I say not only does the President realize the contribution that Israel made but, I think, all the Americans who were glued to their television sets watching Scud missiles tear up housing developments in Tel Aviv realized what a sacrifice the Israelis made by not responding to that.

Mr. MAZZOLI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe no one who takes this well—I am sure no one who take this well—today in the debate has anything but the utmost respect for Israel as a nation and for the Israeli people as a people. They have shown, as has been said often, admirable and quite remarkable restraint in the face of the attacks by Scud missiles against them in this recent war. The people have shown courage and resourcefulness that are really examples for all the world.

So any discussion on the amendment offered by the gentleman from North Carolina and the other amendment offered by the gentleman from Ohio is not meant in any way to be disrespectful to the people of that land.

But while I rise in opposition to the gentleman's amendment, the amendment offered by my friend from North Carolina [Mr. VALENTINE], I think he is to be commended, as is the gentleman from Ohio, in bringing up the subject, the subject of foreign aid which could be another round of rearmament in an area of the world which has already suffered for so many years because of the ratcheting-up of the arms race.

Also, I commend my friend for bringing up this issue because it does deal with the question of how much money should go into foreign aid, however apparently needful, when we have so many domestic problems, housing problems, homelessness problems, food service problems, health care problems, that we are not nearly meeting.

I think, in bringing up this issue and in our talking about it today, we are opening up a new era of debate on these questions. The debate, again, is on the extent of foreign aid and the nature of it.

I was not on the floor when my friend, the gentleman from Wisconsin Mr. OBEY spoke, but I am told he made a very eloquent statement on what he sees to be the future of the foreign aid program. As chairman of the Subcommittee on Foreign Assistance, he is in a position to have an influence on that.

I believe that my friend in his remarks said, to the general effect, that this $650 million allocation for Israel, since requested by the administration and spoken to just last night by the President in a spot just behind me, is going to be supported by him, but it may well be the last support such aid receives until there is some evidence that there is a peace, or some movement toward peace, in that area.

Secretary Baker is soon, perhaps today, to be leaving on that mission to seek a lasting peace. It would be awkward, at best, were he to go into the area to try to pursue a peace and sue for a peace and find that somehow he does not have the tools at his disposal to accomplish the mission.

So I do intend to support the $650 million allocation which is in the bill before us, offered by the distinguished chairman from Mississippi. But I think we have to take into consideration carefully what this really means. If I understand from talking with staff, this money, the $650 million, could very well be used by Israel to purchase weapons. It may not be, it probably won't be, but it could be.

There is, so far as I know, no limitation on the use of these moneys, which brings me to something that I said in this House earlier this week referencing an article in the Wall Street Journal about the U.S. arms manufacturers which already are salivating over the prospect of selling the very newest weapons technology to nations in the Middle East, the very technology that allowed us to win this war so readily and with so few casualties on our side.

So it seems to me we have reached the point where we have to give very careful consideration to moving away from rearmament of that area. I, therefore, will support the current allocation, the current request before us, but I am happy that my friend from Wisconsin, the gentleman from Wisconsin [Mr. OBEY], is going to move this House into debate and discussion of issues affecting the Middle East; where we go, how we get there, what opportunities we have of securing a lasting peace. We do need to move back from this arms race which has led us to nothing but turmoil in the area.

I would say one last thing: Last night the President showed, I think, rare courage in discussing what he called "territory for peace." I am not sure any American President has ever uttered this phrase in such a public setting. But I believe that is the key element of finding peace in the Middle East.

I earnestly hope that the President can pursue peace and does see that to a conclusion.

Mr. CARDIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in opposition to this amendment that would strike $650 million in aid to Israel to help cover its costs during the Persian Gulf war.

Israel was indeed a front line state in the war. In spite of its willingness at the request of the United States to remain directly out of the crisis, it was drawn into the conflict through dozens of Scud missile attacks. The Israeli Government should be praised for the restraint it showed in the face of these vicious attacks on their civilian population.

The economy of Israel has been burdened severely by the war. The already strained housing supply in Israel has been further reduced. Gas masks had to be issued to every person in Israel. Fortunately, the effectiveness of these masks were never tested by a chemical or biological attack by the Iraqi Government. The Israeli army was forced to remain at a high state of readiness throughout the course of both Desert Shield and Desert Storm. These are tremendous costs for the economy of a small nation such as Israel to bear.

Let us not forget that Israel is our strongest democratic ally in the region. They have a freely elected government. They support our policies in the Middle East. They have stood strong with the United States and the rest of our allies in the face of the defeated threat from Saddam Hussein.

Again, I commend this emergency appropriation of $650 million to the Government of Israel to pay for only a portion of the total costs they bore during the war. This aid is desperately needed by Israel to maintain its economic and military strength. The emergency appropriation of $650 million is clearly in the interest of the United States.

□ 1330

Mr. WHITTEN. Mr. Chairman, I move to strike the last word.

I have studied various religious beliefs of the Middle East region since August, mostly because I have always been interested in history and wanted to better understand the area. I feared from the start that this war might become a religious war and a very long-term war like the one between the folks in Ireland and England. This did not occur.

The President made a wonderful presentation last night, and I was glad everybody appreciated it. He deserves a world of credit, but we should not forget that this war will cost 40 or 50 billions of dollars.

After the war an agreement has been reached with Israel. This is an agreement between the executive branch of this Government and Israel. I am afraid that this situation could still spread to more issues and countries. It has not. We better be wary of that for the next month or two, if not for the next year or two.

So this is not foreign aid in the true sense of the word. It is a special agreement. Like my colleagues, I have thought for so many years now, that if we quit paying premiums to somebody for exporting things and premiums to those who receive it, we might hold our trade problems in line. But this agreement is far more than that. This is a commitment that has been made by our Government with the Israel Government at a time when the whole Middle East region is in turmoil.

Mr. Chairman, I say, "It's highly risky to take any action at this time that is inconsistent with the executive branch agreement."

The bill we have before us reflects the results of what the State Department may have promised and agreed to. We don't know the details that Mr. Baker may have said to these groups that have had big differences for thousands of years. He brought them together. Until I know what those details are, I am not going to take a step that might stir up this whole situation again.

They say history repeats itself, and I think that the complete history of this conflict has not been written as of now. The fighting is over for the moment. Let us not do anything now that upsets the agreement that our President has made. I have no knowledge of any details, but the presentation made to us was that the damages were around a billion dollars and that this is an agreement for far less than that.

An agreement has been made and we need to underwrite it.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, I thank the gentleman from Mississippi very much for yielding. I want to associate myself completely with his remarks.

Mr. Chairman, I was in Israel a week and a half ago, and I can tell the very distinguished chairman of the committee and our colleagues in the House that in fact Israel has incurred additional expenditures because of the war in the gulf.

As a result of Saddam Hussein's unprovoked and vicious Scud attacks, Israel suffered extensive property damage, as thousands of homes were ruined. The virtual shutdown of business activity in the country's large cities inflicted serious financial damage to an already overburdened economy. The red-alert status of the Israeli Defense Forces, which included 24-hour Air Force flights, constituted another major drain on the country's financial resources. But of course, while all of these costs in treasure were significant, it is impossible to put a price on the Israeli blood that was shed during a war that they valiantly chose not to enter. I am convinced that if Israel had not shown such admirable restraint, the coalition might have fractured and it would have been much more difficult to achieve such a dramatic and decisive victory over Iraq in the war.

As much as I respect the author of this amendment, I must say that it is a perfectly dreadful proposal. This is a very bad idea for two reasons. First, because Israel desperately needs this money to help make up for what was lost in the war. But second, this proposal comes at the very moment when we are asking Israel to make compromises and concessions in the effort to get a resolution of the conflict between Israel and the Arabs. I don't see how the United States can credibly ask Israel to take steps which some Israelis believe might jeopardize their security and at the same time pull the plug on an emergency appropriation of funds. The adoption of this amendment would enormously complicate our efforts to move toward a just and lasting peace in the region.

If I could, Mr. Chairman, I would like to conclude with a personal observation. While in Israel, I was present for four Scud attacks. During one of them I was awakened at 4:30 in the morning in the King David Hotel in Jerusalem. I proceeded to the sealed room in the hotel, put on my gas mask, and sat there for several hours together with a number of others, including elderly people and a baby in a plastic-enclosed crib. It struck me then, as it does now, that it is a moral obscenity that the people of Israel, of all people, must be forced to sit in darkened rooms worried about a gas attack. That the people who lost 6 million of their own in our lifetime—many to gas—should endure such a trauma at the hands of Saddam Hussein is almost inconceivable.

This emergency appropriation will help Israel recover from the damage inflicted during the war. Removing these funds with this amendment, however, may deprive Israel of what it really needs—the opportunity to finally live in peace.

So, Mr. Chairman, I want to thank the gentleman from Mississippi for yielding, and I want to indicate my strong opposition to this amendment.

Mr. WHITTEN. Mr. Chairman, I close with this observation:

Our troops have not been brought home as yet. This area is in turmoil. We better not do anything to stir it up further.

Mrs. BOXER. Mr. Chairman, Israel deserves support for injuries suffered during the Persian Gulf war.

Her restraint under incredible pressure was truly remarkable; her people were brave and innocent.

Saddam Hussein's cynical attempt to bring Israel into the war failed miserably because Israel understood how important it was to remain outside the conflict.

Peace is a noble goal and let us work for a just and lasting peace for Israel and the entire region.

Ms. DELAURO. Mr. Chairman, less than 24 hours ago we sat in this Chamber and applauded the American people, our troops and ourselves for the magnificant job we did in winning the war against Iraq.

And we had a right to be proud.

We pulled together, we worked together, we supported each other, and we supported our friends in need.

Israel is one of those friends. Israel is one of our closest allies and was a frontline state in a war it did not start and in a war it did not enter.

Most of us sat by our television screens and watched as Scud after Scud slammed into Israel's cities. We watched as children were forced to put on gas masks, as infants were sealed in gas proof tents, and as the elderly were made homeless.

And we also watched as Israel's leaders anguished, daily, over whether or not to retaliate to unprovoked attacks on civilian neighborhoods.

Israel trusted us during this crisis to guard its safety. She was prepared to defend herself, but we persuaded her not to retaliate not to risk breaking up the coalition. We sent Patriot missiles to protect Israel and that no doubt saved many lives. But lives were lost, injuries were caused, and damage was done.

The Israeli public was for a policy of restraint, confident that our promises to them would be kept. They were against retaliating for the missile attacks, foregoing a policy Israel has always—without fail—used to guarantee its security, because we asked them not to.

Can we say now that their very real sacrifices, their living in constant fear of the crash of Scuds, is not worth us helping them recover from this war?

Israel has been asked to make very real sacrifices and we have a very real responsibility to help her recover from her losses.

Mr. KYL. Mr. Chairman, I rise in strong opposition to the pending amendment which seeks to eliminate $650 million in aid for Israel.

The gulf crisis took a toll on Israel. It deprived Israel of tourist dollars and required it to maintain a high state of military readiness. Further, and most importantly, Israel, in not responding to Iraqi Scud attacks, demonstrated unprecedented restraint in this conflict and sacrificed many of its immediate security concerns for the sake of the allied position.

For these reasons, I support the provision of additional aid to Israel. I also extend to the Israeli people my admiration for their bravery and fortitude during the Persian Gulf crisis.

Mr. SWETT. Mr. Chairman, I strongly oppose the Valentine amendment to eliminate the $650 million in aid to Israel as provided in H.R. 1281.

Israel is our strongest ally in the Middle East. It is the only true democracy in a sea of totalitarian dictatorships. It is the only country in the region that has a free press. It is the only country in the region with an independent judiciary. While we welcome the new efforts at cooperation between the United States and Arab countries in the Middle East, we must not lose sight of the fact that Israel has been our only consistent democratic ally in that region for over four decades.

It is important for us to remember how much the people of Israel have suffered during the war. Although not a member of the coalition against Iraq, Israel was directly attacked with 39 Iraqi Scud missiles, which resulted in numerous injuries and even the loss of life and created an atmosphere of terror among Israeli citizens. The property damage from these unprovoked attacks has been horrendous—over 8,000 homes and apartments have been damaged or destroyed, leaving some 1,700 Israeli families homeless.

Israel has also incurred tremendous additional financial burdens because of this war. Military and civil defense expenditures have risen to cover costs associated with the necessary heightened state of readiness. The entire economy of Israel has suffered because of the loss of economic output, the rise in energy prices, and the cost of rebuilding communities and the infrastructure.

Throughout this nightmare, Israel has displayed remarkable restraint. At the urging of the United States, Israel did not respond to Iraq's vicious attacks against its civilian population. Israel has been a true friend.

Now it is time for us to show our gratitude. I strongly urge my colleagues to defeat this amendment and to authorize for Israel the $650 million requested by President Bush and supported unanimously by the Appropriations Committee. It is small help for the great debt our country owes to Israel.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. VALENTINE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. VALENTINE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 24, noes 397, not voting 12, as follows:

[Roll No. 30]

AYES—24

Armey
Bryant
Combest
DeLay
Dymally
Gradison
Hancock
Hansen
Hayes (IL)
Hubbard
Kleczka
Perkins
Petri
Roberts
Savage
Sensenbrenner
Stenholm
Stump
Taylor (MS)
Traficant
Valentine
Walker
Washington
Williams

NOES—397

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traxler
Unsoeld
Upton
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Andrews (ME)
Donnelly
Goodling
Hunter
Kolter
Levine (CA)
Madigan
McDermott
Miller (OH)
Sangmeister
Udall
Wilson

□ 1354

Mr. GONZALEZ and Mr. RINALDO changed their vote from "aye" to "no."

Mr. PERKINS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Speaker, I ask to have entered into the RECORD a statement explaining the fact that I inadvertently missed rollcall No. 30, and I would have voted "no." I ask that this be entered into the RECORD after the rollcall vote.

PERSONAL EXPLANATION

Mr. ANDREWS of Maine. Mr. Speaker, during rollcall vote No. 30 on the Valentine amendment on H.R. 1281 I was unavoidably detained. Had I been present I would have voted "no."

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 7, line 11, strike "$650,000,000" and insert "$400,000,000".

Mr. TRAFICANT. Mr. Chairman, the previous amendment offered by the gentleman from North Carolina [Mr. VALENTINE] would have struck all the money in the dire supplemental for Israel. Let me say that again: The previous amendment would have struck all of the money in the account for Israel, some $650 million. I think every Member in the House knew that that had absolutely no shot.

Now, while maybe someone might pay some attention, I think that is exactly what is wrong with the country. We are willing not to really pay much attention to matters like this. We are just willing to go ahead and put in our little card, that real expensive credit card, because you do not want any complications from this vote.

□ 1400

Nobody in politics wants any complications. But I think if this vote was cast on a secret ballot it would have a real good shot.

But here is why I am bringing the amendment. I did not bring an amendment to cut it all because I believe Israel is a friend and they took some undue punishment and hardship, and they showed restraint, and America appreciates that restraint. It converted into saving the lives of many of our young people, and we can be proud of that.

But what I do want to address, Mr. Chairman, is that my amendment leaves $400 million in this dire supplemental that really is outside of our budget that was passed at the end of the last session, and has come in here under the guise of emergency spending. My amendment still leaves in that appropriation account $400 million.

Let me say this, it was not just Uncle Sam that took on the cause of freedom. There was an allied force, and that allied force should be subject to some of the costs instrumental to this Operation Desert Storm.

In addition, ladies and gentlemen of the Congress, if it is prudent to hold Iraq accountable for reparations to Kuwait and Saudi Arabia, why is it that our Government should not be a part of a U.N. resolution holding Iraq accountable for damages perpetrated against Israel, but it is coming up under a dire emergency basis?

For those of us who are tired of hearing it, I would like to place it on the record. We had 727,000 individual bankruptcies in America last year, the biggest year for such a record in America's history. Last year we had a record corporation bankruptcies. We have a higher infant mortality rate in Cleveland than in Ethiopia.

That is what I think the problem is with the Congress. We find ways to spend money everywhere where there is some steam behind it.

The word is that Israel wants $10 billion. They asked for $1 billion and the President said $400 million originally, concerned that that account might be as high as $1 billion, and the administration did request $650 million. I think it is prudent for the Congress in looking at this matter and understanding the problems that we face in our own country to reduce that appropriated account by $250 million, which still leaves $400 million for Israel.

Let me say one last thing, ladies and gentlemen. I have had a lot of Members come up to me and say, "You're not going to ask for a vote, are you, because I would really like to vote for it? Don't ask for a vote."

I have several amendments after this and I will be asking for a vote on this issue.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will not take very long. Let me simply make two points.

We are voting on this issue today, we are voting to provide this money because the President of the United States has concluded that it is necessary to do so. If he had not done so, I would not be supporting the appropriation of the money.

This country made a decision. It decided to go to war. It now has an obligation to pay the cost associated with that war and this is one of those costs.

Right now as we talk, Secretary Baker is preparing to go to the Middle East to discuss the future of that region with a lot of countries, including Israel. Israel needs to know, as does every other country in the region, that Secretary Baker speaks not just for the administration but for the entire Government. Every country in that region needs to know that if the administration supports funding they will get it, and if the administration does not support funding they will not get it. If they do not have that understanding, the administration will not have the leverage necessary to try to bring peace in the Middle East.

So it seems to me it is important for us to stick together and pay for this cost today.

I would make one additional point. For Members who feel as I do that we do not owe any country in the region anything at this point, that contrary to that they owe us, and owe us quite a bit—for those who feel that way and want to draw a line and say: No More, let me suggest that this is the wrong place to do that. Let me tell you where I think you ought to start.

Mr. Chairman, this is the last of the cleanup costs which we are expected to pay, on the first round, to deal with the immediate costs of the war. Our subcommittee held hearings last week on what ought to happen next in the region. Every single witness, all 10 of them, regardless of their political or philosophical view, made the point that we needed to start in our future dealings with the region with arms limitations and in fact arms denial. And they traced the history of arms sales to the region, arms deliveries to the region, and they made the case that if we want tomorrow to be different than yesterday in the Middle East that we have to have a policy of arms denial.

If you really want to be constructive, if you want to see to it that the sacrifices made by Americans were not in vain in that region, then you need to use your personal influence to help bring about arms limitation in the region. And I would suggest, frankly, that we ought to start with Egypt. Members will remember just a few months ago the administration asked Congress to approve—and they pushed through the Congress—a proposal to provide debt relief for Egypt. The administration then proceeded to forgive Egypt's remaining military debts to the United States.

But we are now in the process of beginning to put each of those countries right back into the debt hole, because the administration is sending down to us a request that we approve a large number of F-16's for sale to Egypt. The fact is Egypt does not have the money to pay for those airplanes. We are going to have to appropriate money to Egypt before they can repay us for those airplanes.

□ 1410

If this new sale is approved, and I expect it will be, if this new sale is approved, it will mean that we will be locked in for 5 years in terms of our inability to reduce what we provide to Egypt, because they will need that much money to pay us back.

We will see numerous requests from countries in the region, Israel, Egypt, Saudi Arabia, you name it, for arms sales and foreign aid to facilitate arms deliveries to the region.

If you want to be constructive in contrast to this amendment today, if you want to be constructive, that is where you will draw the line. You will insist that the administration has a plan to deal with the region in a way that prevents tomorrow from being like yesterday. You will use your influence to see to it that we start with arms limitation in the region.

The money in this bill today does not provide any military aid to Israel. It simply helps to reimburse them for the cost that they incurred in enduring the Scud attacks and in remaining at a constant state of readiness. That is a legitimate cost.

I would suggest you draw the line here, support the President in this request today, and then ask for a higher standard of performance from every country in the region before we provide any additional funding.

I would urge that we vote down the amendment.

Mr. VALENTINE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the amendment, and I do not intend to take but a fraction of the time if the Members will listen to me.

I have no desire to assume, as we say, to flog a dead mule. I do not expect this vote to be that much different from the one that has preceded it.

Mr. Chairman, I would simply say to my brothers and sisters here that the House and the Senate, the other body, and the President will have to come to grips sooner or later, and I believe sooner, with the absurd situation, the ridiculous condition of giving away overseas millions and billions of dollars that we do not have.

If Members want to look around and think of something that causes this institution to rank somewhere down close to, and, well, I will not name anybody, but way down the line in institutions that have the respect of the American people, it is because that the Congress year after year closes its eyes and its ears to the attitudes of the American people on the question of foreign aid.

I respect and admire that state of Israel. I do not want to do anything here that would cause them any difficulty, but the State of Israel needs to come to a time when it can stand alone.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will repeat what I said awhile ago. Traditional foreign aid is open to real question. Traditional foreign aid involves our serious trade problems.

If we did something about the profits of those who export and the profits of those who receive, we could handle it and get more support for foreign aid, but involved here is a different issue.

This whole area of the Middle East is in turmoil—tremendous turmoil. The question, as I see it, is: Are we going to support the agreement that has been reached by the executive branch? Right now we have got all sorts of potential troubles over there that could spread.

I still do not see how, if one studies history, the Secretary of State and others were able to bring together so many folks with thousands of years of differences, religious and otherwise, but they did.

I think, by all means, we need to go along with this agreement at this time. Traditional foreign aid is a different thing. This agreement is not that type of situation.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not repeat the speech that I gave a few minutes ago, but I just want to say to my colleagues that the issue that is before us in the Traficant amendment is the same issue that we just disposed of in the Valentine amendment.

This is not an issue of just giving money away for foreign aid. I have repeatedly sought to cut foreign aid on this floor, but this is an issue that really goes to the heart of our national security and of maintaining peace in the Middle East.

It would be a very, very serious mistake to vote for this amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I think it ought to be pointed out that in the last 5 years the foreign aid budget for the United States has been cut by approximately 30 percent under our committee, and in the last 4 years we have moved $6 billion in administration requests for foreign aid out of foreign aid into domestic budgets for education, health, rural development, and other items here at home.

Mr. EDWARDS of Oklahoma. Mr. Chairman, the gentleman is absolutely correct, and that is why for those people who really want to bash foreign aid, they are going to get many, many chances to do it, but this is not the place. This really hurts American security, and I urge my colleagues to vote no.

Mr. SAVAGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to raise some questions about some strange logic that I just heard spotted on this floor. It was said that we need to support the administration so that when it pledges funds or does not pledge funds, his word will be accepted in the Middle East.

Since when should Democrats abdicate their right to differ with the President?

Second, when it was suggested that we need arms limitation, and I agree with that, but it was also said that we should start with Egypt. Strange. Why Egypt? Why not start with Israel?

We give Israel $1.8 billion a year for military assistance. That is more than we give anywhere else in the world combined. So why not start where we put the money? We give $1.8 billion, as we did last year, to Israel, and the year before, and if we want an arms limitation, start there. Let us start banning the arms. After all, the most armed nation in the Middle East is Israel. The only one suspected of having nuclear capacity for arms is Israel.

It was said that we cut foreign aid 30 percent. Well, why not tell the whole story? We did not cut Israel one dime. We gave Israel $3 billion of the $14 billion that we give in foreign aid all over the world, and as I said, $1.8 billion of that $3 billion was military assistance.

More than that, the best way to cut foreign aid, and I can tell you how you can have some reduction in arms, if you do not give Israel this $650 million and they take it out of the $1.8 billion that we gave them for military aid, they would have the $650 million they need to repair the damages and would reduce arms at the same time.

So if you want to reduce foreign aid, if you want to limit arms, do not give them an extra $650 million. Tell them to take it out of the $1.8 billion that we already gave them.

Mr. Chairman, I say this in conclusion: This amendment is not even suggesting that we take it all. This is just saying that we cut it back to a level that the President even considers acceptable to $400 million.

After all, a few months ago in addition to the $3 billion, we also gave a $400 million housing loan guarantee on the presumption or the implied agreement, or perhaps an actual agreement, from Israel that it would not use this money to build housing in the occupied territories, the West Bank, and the Gaza strip. Yet, that promise has not been kept.

One of the reasons for the problems in the Middle East is the lack of credibility of our Nation's foreign policy, because it has not been evenhanded.

□ 1420

We must not tie our foreign policy completely to every request from Israel or any other nation. We need to think what is best, and what is the need in our country.

I can tell Members, rather than $650 million to go to Israel, we need that in the State of Illinois and the city of Chicago, and the Second Congressional District. Let Members start at home with our generosity.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was rejected.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 7, line 11, strike "$650,000,000" and insert "$600,000,000."

Mr. TRAFICANT. Mr. Chairman, this would cut $50 million and leave $600 million in an account for a nation that is technically in chapter 11, and we are presiding as trustees over it.

I do not know if we can even get a recorded vote because no Member wants to put their little ticket here, their little credit card on this issue. Therefore, I probably will not be able to get a vote, and I did not hassle Members, but I am dramatizing the point. If we took as much time as a bulldog to tenaciously look after the interests of America as we do Israel, we would be a hell of a lot stronger today.

I have gone through it. I have nothing against the State of Israel. But please tell me, we had a conservative Republican President that asked for $600 million for housing in this dire supplemental, and we did not give them a dime. However, Members, we had, in fact, a bill brought to the floor that found $650 million for Israel.

Now listen: Israel is in better shape today than they were a year ago. Their major threat has been dismantled. Now, we tried to cut this account.

There is an amendment coming on this floor that will ask for some money for housing. Where the hell are we going to get it? Are we to imply from the basis of our actions here today that we are more willing to make sure that the housing in Israel is absolutely up to date, and the housing for poor people in America is not as important?

I keep listening to this rap about "This isn't the time." I agree with Members, I agree with Members on foreign aid and some points, but this is not the time. Let me tell Members, there is no time in this House because there is not enough guts to face the issue, because every Member is more worried about reelection than they are running this damn country.

Now, I certainly do not get a whole lot of money, and I don't expect to get any, but this amendment would cut $50 million. I would leave $600 million, and I would like for Members to give me a vote when it is over.

Mr. SAVAGE. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Illinois.

Mr. SAVAGE. Mr. Chairman, I was only going to ask my dear colleague, and I think the gentleman just answered my question, but let me ask it anyway so that he can repeat his answer. Does the gentleman think the American people should know where Members of Congress stand on this issue; and does the gentleman plan to ask for a recorded vote in this matter at this point?

Mr. TRAFICANT. Reclaiming my time, Members of Congress want to get away with a voice vote so they do not have to face this issue.

Mr. SAVAGE. But will the gentleman ask for a recorded vote?

Mr. TRAFICANT. I will ask for a recorded vote on this particular bill.

I will say this: The allies were a part of this. Uncle Sam seems to be the one carrying the tab again. There is nothing wrong with this.

If the Committee on Appropriations could conjure up a program and promulgate a policy to let Iraq come up with some money, and let Iraq make these reparations. Dammit, they illegally attacked Israel. They should be held accountable for that.

Second of all, what about the United Nations and all the other countries? This would leave $600 million in addition to $3.1 billion last year, another $400 million, $3.1 billion coming in about 3 months, and they are going to be asking for $10 billion. Meanwhile, New York and Philadelphia are under threat of maybe bankruptcy. Chicago, Los Angeles and my town, hell, a person in my hometown cannot even buy rustproof paint. I want someone on the Committee on Appropriations to find some money for America this year. Everything else seems to be nongermane.

I would like a vote. I would appreciate if Members would at least give me the courtesy of a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

Page 7, line 11, strike "$650,000,000" and insert "$637,000,000."

Mr. TRAFICANT. Mr. Chairman, this amendment would leave $637 million in the account for Israel, and it would cut $13 million of that account, leaving 98 percent of the account in there.

The reason I bring it up is basically one reason: When we have an issue that is dealing basically with a foreign account, and the Congress becomes so impassive, it does bring cause perhaps to question that.

In a Washington Post article it was reported that the American-Israeli Public Affairs Committee told Members of the other body that if they tampered with the amount of money that they wanted, they would not support their campaigns. Now listen to this: We have a lobby representing the interests of a foreign nation that told the upper body in the U.S. Congress that if they tampered at all with this aid, or questioned it, they would cut back on their political contributions.

Are we that afraid of this issue? Any wonder why we have $4.1 trillion debt, and we keep hearing about the small comparison, the GNP? Members, remember what we did. We took $3 billion in revenue sharing funds, that my cities and my hometown were paying for police protection and fire protection, and in the gentleman from Ohio [Mr. APPLEGATE's] community as well, in Chicago, Philadelphia, Los Angeles, but Members know what was said, that $3 billion was too much. Three billion was just too much, that we had to stop that, although it was returning American taxpayers' dollars to the cities where it originated, and the counties where it originated, who were getting their butts tore up.

Now, Members come to the floor, cut $13 million, and just $13 million of that might go toward a homeless program. Just $13 million.

□ 1430

Israel would still get 98 percent, $637 million, after $3.5 billion last year and $3.1 billion in the cooker.

It says to me that anybody or anyone can reach in and influence the potential outcome of a vote in the Congress, that makes me question my national security more than any damn Scud missile, knowing that you probably will not even get a vote on this, but this would be more embarrassing if you went home with this one, if you voted no to this cut, what an embarrassment that would be.

So I am going to come before the Appropriations Committee, Mr. Chairman. I do not know about anybody else, but I want help for my district that has been bombed by economic policies for 20 years, and I keep getting the runaround; so I am asking the committee nice, and I would like some Members in the House who feel this way to maybe join forces so that we could get something for our own communities.

Mr. RAVENEL. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from South Carolina.

Mr. RAVENEL. Mr. Chairman, I say to the gentleman, now, sir, we had a vote and the vote was pretty lopsided. The gentleman saw me stand and give the gentleman a vote.

Mr. TRAFICANT. I appreciate it.

Mr. RAVENEL. Because I would vote against the gentleman, that is why I wanted the vote.

The gentleman and I are friends, we are old buddies and we get along fine. We disagree on a lot of things, but we are friends.

But does the gentleman not think that given the lopsidedness of the original vote, does the gentleman not think that maybe the American people through their Congress, 435 of us, or whoever is left here, it must be pretty close to that, that they want to give the State of Israel $650 million?

Mr. TRAFICANT. Reclaiming my time, I believe the American people may have supported the Congress when all $650 million was being stricken, but when a measure comes before this House that might leave $50 million or just $13 million for some housing, I think the American people would vote yes on this amendment overwhelmingly.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. TRAFICANT was allowed to proceed for 3 additional minutes.)

Mr. TRAFICANT. Mr. Chairman, I yield to the gentleman from South Carolina.

Mr. RAVENEL. Mr. Chairman, the gentleman probably got a letter from our former colleague, Mr. Kemp, asking us to support an amendment for additional housing, which I fully intend to support; so I mean, should not this relatively small amount of money for the State of Israel to help them defray the damages that they suffered, the actual damages they suffered, is not this kind of a salute to them from the American people for exercising the great restraint that they exercised? I think that is a small amount of money, and I think the gentleman ought to

kind of take a look at the vote that was cast as an indication of what the American people through their Congress want.

Mr. TRAFICANT. Reclaiming my time, Mr. Chairman, I will say the only area where I disagree, and I think the gentleman from South Carolina is a great gentleman and I respect the gentleman, but no, I cannot reconcile many of the votes in here with the American people, to be quite honest. I think there are a lot of votes that the American people would cast differently, personally.

Let me say this. I support the amendments of the gentleman from Arizona [Mr. KOLBE] and the gentleman from Virginia [Mr. MORAN].

I am glad to see that the Secretary has tried at least to get some money in this bill for some housing, and hopefully the Congress will vote for that amendment to provide some housing for areas like ours who have been devasted and need a little bit of help.

In closing, Mr. Chairman, to the Members of the body, I think we have got to be loyal to but one master, and when any lobby can start taking names and license plate numbers, it is not a good sign for Old Glory.

What I am talking about now is not money. I am talking about the fibers of our freedom which made America what it really is.

This is no big drama speech. I do not make them.

We have got to keep our eyes on the prize and that is America. I think we get taken off the prize a little bit around here, and I think one of the areas we do is when it develops around Israel, and that is a shame, because I think aid pacts are going to end up hurting Israel, and the American people are getting fed up and I am fed up.

Ms. MOLINARI. Mr. Chairman, I rise today in opposition to the amendments to strike the funding to Israel.

There is a price we pay as Americans for being the world's premier democracy. We have paid heavy prices in wars passed around the world throughout our history. Our men and women have traveled across the globe to fight for what is right and just. And today the idea of democracy stands as strong as it ever has.

One thing I think many Members in this body may be taking for granted is that we are surrounded by water on two sides, and friendly allies on two other sides. Our borders are secure. We are in an ideal location to promote the ideals of democracy.

Now take a look at Israel. Like us they have fought to preserve democracy and their right to exist. There is a slight difference. They are surrounded by nations that have been in a constant state of war with them for over 40 years. Do we not have an interest, even an obligation to support our only democractic ally in the very crucial region of the Mideast.

Another comment I heard today was with regard to the front lines, and who was on them. When dozens and dozens of deadly Scud missiles come crashing into your neighborhood on a nightly basis, certainly I think that can be considered the front lines. And for Israel to hold back and restrain from striking back at Iraq, because we asked them to, that took a strength and resolve that not many nations could muster.

The fact that the nations of Syria and Jordan are receiving $2½ billion in aid for their involvement in Desert Storm I think only should strengthen our resolve in assisting our ally Israel.

I agree with Mr. TRAFICANT that Iraq should pay for damage done to Israel. But until that time comes it is in our best national interest to help out our friends in Israel as they once again try to pay the price for living on the front lines in a war zone.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SAVAGE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and three Members are present, a quorum.

The pending business is the demand of the gentleman from Illinois [Mr. SAVAGE] for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER V

LEGISLATIVE BRANCH

JOINT ITEMS

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For an additional amount for "Capitol Police Board, Salaries", to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, $6,164,000, of which $3,130,000 is appropriated to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and $3,034,000 is appropriated to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate.

GENERAL EXPENSES

For an additional amount for "Capitol Police Board, General expenses", to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, $978,000, to be disbursed by the Clerk of the House.

CHAPTER VI

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

The fiscal year 1991 obligation limitation on non-administrative and capital programs, as set forth in Public Law 101-516, is increased by $60,000,000 to meet the unexpectedly high traffic from disruptions in world markets caused by the Middle East crisis.

CHAPTER VII

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, $2,028,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, $4,906,000.

CHAPTER VIII

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care" to provide for unbudgeted medical expenses resulting from Operation Desert Shield/Operation Desert Storm, $46,000,000.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses" to provide for unbudgeted Veterans Benefits Administration costs associated with Operation Desert Shield/Operation Desert Storm, $12,000,000.

TITLE II—SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

(BY TRANSFER)

For an additional amount for "Salaries and expenses", $1,000,000, to be derived by transfer from Periodic Censuses and Programs.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,000,000.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the unobligated balances in the Economic Development Revolving Fund, $9,600,000 are rescinded.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and administration", $1,500,000, to remain available until expended.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(BY TRANSFER)

For an additional amount for "Salaries and expenses, General Legal Activities", $3,180,000, to be derived by transfer from Federal Prison System, Salaries and Expenses.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

(BY TRANSFER)

For an additional amount for "Salaries and expenses, United States Attorneys", $1,903,000, to be derived by transfer from Salaries and Expenses, General Legal Activities.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

(BY TRANSFER)

For an additional amount for "Salaries and expenses, United States Marshals Service", $1,025,000, to be derived by transfer from Federal Prison System, Salaries and Expenses.

FEES AND EXPENSES OF WITNESSES

For an additional amount for "Fees and expenses of witnesses", $9,203,000.

DEPARTMENT OF JUSTICE—GENERAL PROVISIONS

SEC. 101. Section 524(c)(9) of title 28, United States Code, is amended by adding the following new subsection:

"(E) Subject to the notification procedures contained in section 606 of Public Law 101-515, any unobligated balances in excess of $15,000,000 remaining in the Fund on September 30, 1991, and on September 30, 1992, may be transferred by the Attorney General, to remain available until expended, as follows—

"(i) the first $25,000,000 of such unobligated balances to the Office of Justice Programs for grants authorized by section 515(a)(1) of chapter B of subpart 2 of part E of title I of the Omnibus Crime and Safe Streets Act of 1968, as amended (42 U.S.C. 3760 et seq.), and

"(ii) such sums as are available to the Salaries and Expenses appropriations of the Drug Enforcement Administration and the Federal Bureau of Investigation to enhance training and to procure vehicles and equipment.".

SEC. 102. Notwithstanding 28 U.S.C. 1821, no funds appropriated to the Department of Justice in fiscal year 1991 or any prior fiscal year shall be obligated or expended to pay a fact witness fee to a person who is incarcerated testifying as a fact witness pursuant to a writ of habeas corpus ad testificandum in a court of the United States, as defined in paragraph (a)(2) of section 1821, 28 United States Code: *Provided*, That the one exception to the preceding prohibition is the fact witness fee decided in United States Supreme Court case No. 89-5916, Richard Demarest, Petitioner v. James Manspeaker et al. on January 8, 1991.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

Funds made available under this heading in Public Law 101-515 shall be available to procure special purpose motor vehicles without regard to any price limitation established by law.

INTERNATIONAL COMMISSIONS

INTERNATIONAL FISHERIES COMMISSIONS

For an additional amount for "International fisheries commissions", $100,000, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, as amended.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. MILLER of California) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1440

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR CONSEQUENCES OF OPERATION DESERT SHIELD/DESERT STORM, FOOD STAMPS, UNEMPLOYMENT COMPENSATION ADMINISTRATION, VETERANS COMPENSATION AND PENSIONS, AND OTHER URGENT NEEDS ACT OF 1991

The CHAIRMAN. The committee resumed its sitting.

The Clerk will read.

The Clerk read as follows:

THE JUDICIARY

SUPREME COURT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $54,000.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $51,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $36,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $69,520,000, of which $48,520,000 shall remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of jurors and commissioners", $5,600,000, to remain available until expended.

COURT SECURITY

For an additional amount for "Court security", $530,000.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,450,000.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,633,000.

Related agencies

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For an additional amount for "Grants and expenses", as authorized by 22 U.S.C. 2877, $8,000,000 to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,000,000.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,000,000.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,000,000.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for "Payment to the Legal Services Corporation", $1,000,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,000,000. In addition, any offsetting receipts deposited into the general fund of the Treasury under section 6(b) of the Securities Act of 1933 between October 1, 1990, and the November 5, 1990, enactment date of Public Law 101-515 shall be recorded as an offsetting collection and be available for obligation and expenditure by the Securities and Exchange Commission in accordance with the provisions governing the obligation and expenditure of offsetting collections under the above heading in Public Law 101-515.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(BY TRANSFER)

For an additional amount for "Salaries and expenses", $1,500,000, to be derived by transfer from the Disaster Loan Fund.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $110,400,000.

AMENDMENTS OFFERED BY MR. MYERS OF INDIANA

Mr. MYERS of Indiana. Mr. Chairman, I offer several amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. MYERS of Indiana: On page 17 of the bill:

On line 12, strike "$110,400,000" and insert in lieu thereof "$95,220,000";

On line 15, strike "$240,600,000" and insert in lieu thereof "$173,880,000";

On line 18, strike "$4,200,000" and insert in lieu thereof "$4,000,000";

On line 21, strike "$114,800,000" and insert in lieu thereof "$76,400,000".

On page 22 of the bill:

On line 4, strike "$482,500,000" and insert in lieu thereof "$603,000,000".

Mr. MYERS. of Indiana (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana that the amendments be considered en bloc?

Mr. SKAGGS. Mr. Chairman, reserving the right to object, and I do not intend to object, I want to inquire of the maker of the motion with regard to the amendments that would be offered en bloc. If I may inquire of the distinguished ranking member of the Subcommittee on Energy and Water, the gentleman from Indiana [Mr. MYERS],

and I believe I am prepared to support his amendment, I want to be certain about the effect of the amendments. It is my understanding this amendment would provide some $263 million for the Rocky Flats plant, an increase of $120.5 million over the committee's recommendation and a reduction of $20 million from the administration's request of $283 million. The $263 million would be provided for the Rocky Flats plant for the purpose of performing essential weapons programs and production support, environment, safety and health, safeguards and security, plant engineering, utilities and maintenance, and management and administration activities in fiscal year 1991 and 1992.

I further understand that these funds would provide for activities to be performed in preparation for resumption of operations in buildings 559 and 707 and for those limited operations in other buildings, including building 771, specifically needed in support of activities in buildings 559 and 707. These funds also provide for essential activities, such as plant-wide health and safety activities and removal of plutonium from ducts, that need to be undertaken in other buildings whether or not operations in those buildings resume.

By not providing the $20 million that the administration had requested, the amendment would not be providing any additional funds for activities in buildings 776, 777, 779, and 371, other than, first, essential activities that needs to be undertaken whether or not production operations in those buildings are to resume, and, second, activities essential to support preparation of resumption of activities in buildings 559 to 707. The reason for this decision is to allow the committee and the Congress to review, during their deliberations of the fiscal year 1992 appropriations bill, the need for resumption of production activities in buildings other than 559 and 707.

I would like to inquire of Mr. MYERS if this is his understanding as well.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Colorado has provided a colloquy, and it is my understanding that what he has provided here is essentially what the committee is attempting to do, to keep work going on there. It is very vital to the gentleman's area. We all realize it is in his congressional district, and this committee has always made every attempt to help a Member in his district and to abide by those rules. However, this is a national facility which is 40 years old. Much of the problem was created long before the gentleman ever came to Congress. So I think we can have agreement with what the gentleman is discussing here.

Mr. SKAGGS. Continuing my reservation of objection, and I certainly want to express my appreciation to the gentleman for his willingness to reach an understanding about this matter; I wonder if I might also yield to the distinguished gentleman from Alabama [Mr. BEVILL], the chairman of our subcommittee, as to the chairman's understanding as well.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Alabama.

Mr. BEVILL. I thank the gentleman for yielding.

Mr. Chairman, I move to strike the last word. I agree with the statements that have been made by each of these gentlemen.

Mr. SKAGGS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana that the amendments be considered en bloc?

There was no objection.

Mr. MYERS of Indiana. Mr. Chairman, I further ask unanimous consent that the question not be subject to a division.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MYERS of Indiana. Mr. Chairman, I think it is unnecessary to debate this any further. We have discussed this on several occasions. I think the membership is well aware that there has been an ongoing problem for a long time. The Department of Energy is trying to do some work there that is absolutely essential. So I think everyone fully understands it. It is a matter of taking money that the committee did give to the Defense Committee and reappropriate it for this purpose. I think it does not need any further debate. I urge all Members to support this amendment.

The letter referred to follows:

THE SECRETARY OF ENERGY,
Washington, DC, March 4, 1991.

Hon. JOHN T. MYERS,
Ranking Minority Member, Subcommittee on Energy and Water Development, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CONGRESSMAN MYERS: I am writing to express my deep concern with the action taken by the Subcommittee on Energy and Water Development, Committee on Appropriations, House of Representatives, to reduce the supplemental appropriation we had requested for resumption of safe operations at the Rocky Flats Plant.

Specifically, after careful deliberation by the Administration on possible sources of funds in light of the Deficit Reduction Act, the President requested a supplemental appropriation of $283 million to provide for efforts to address nuclear safety issues and facility safety and health upgrades for buildings necessary to resume plutonium pit fabrication at the Rocky Flats Plant. The action by the House Appropriations Subcommittee, taken on February 28, 1991, reduces the requested funding level by $140.5 million to a recommended level of $142.5 million. Without the restoration of these monies, it will not be possible to bring Rocky Flats into compliance with Federal, State, and local laws and regulations in a timely manner. Further, without the restoration of these dollars, we will not be able to meet nuclear weapons stockpile requirements in Fiscal Year 1992. Some may argue that we can await action on the Fiscal Year 1992 budget for restoration of these dollars. I do not agree. A deficit reduction precedent stemming from last year's budget agreement makes it highly unlikely that additional funds will be able to be dedicated for the necessary Rocky Flats safety upgrades and production mission.

This reduction in requested funding will require the Department of Energy to severely curtail operations later this year and result in substantial layoffs of personnel at the Rocky Flats Plant (estimated at about 2,000 people), inability to produce plutonium components for nuclear weapons in FY 1992, and failure to meet the President's requirements for delivery of nuclear weapons to the Department of Defense. This curtailment is also likely to prevent our meeting nuclear weapons requirements in FY 1993 and beyond as well.

I should point out that the Rocky Flats Plant is the only production facility available which will enable us to meet these weapons requirements. I need to emphasize that the long neglect of this plant, including the training of personnel, the development of satisfactory safety documentation and procedures, and the upgrading of facilities and necessary plant maintenance, has resulted in this substantial need for funding so that I can be assured of safe and secure operations at Rocky Flats in order to meet the Nation's national security requirements.

Accordingly, because of the national security implications of this potential failure to provide the necessary funding, I request your urgent attention to this matter so that the Department of Energy can move to fulfill its obligations for weapons deliveries while, at the same time, assure the health and safety of our workers and the public and protection of the environment.

I would be most appreciative of your early action on this urgent matter.

Sincerely,

JAMES D. WATKINS,
Admiral, U.S. Navy (Retired).

THE WHITE HOUSE,
Washington, March 6, 1991.

Hon. JOSEPH M. MCDADE,
Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CONGRESSMAN MCDADE: The President's supplemental budget request included $283 million for the Department of Energy's facility at Rocky Flats, Colorado. Unfortunately, the House Appropriations Committee reduced this request by $140.5 million.

It is essential that these funds be reinstated and the full $283 million appropriated. Rocky Flats is the only facility which can produce particular components needed to meet our nuclear weapons requirements. Failure to appropriate the full DOE supplemental request will make it impossible for necessary health and safety improvements at Rocky Flats to be completed on schedule, and for the department to meet its important national security obligations.

I appreciate your consideration of this important issue.

Sincerely,

BRENT SCOWCROFT.

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

Hon. JOHN T. MYERS,
House Appropriations Committee, Subcommittee on Energy and Water Development, House of Representatives, Washington, DC.

DEAR CONGRESSMAN MYERS: I strongly support funding the Department of Energy FY 1991 Supplemental Appropriation as requested by the President. The $283 million supplemental is urgently needed to ensure that the Rocky Flats Plant can once again produce the plutonium pits necessary for modern, safe nuclear weapons for our nuclear deterrent forces.

Sincerely,

DICK CHENEY.

Mr. SKAGGS. Mr. Chairman, I move to strike the last word and to be heard on the amendment.

I thank the chairman.

As the distinguished gentleman from Indiana has indicated, we have reached agreement on this. But I think it is important to recognize, nonetheless, the fundamental issue involved here. As originally proposed to Congress by the administration, the supplemental request would have set us on course for some decisions about the resumption of production at the Rocky Flats plant that we are, in my opinion, simply not in a position to make yet, particularly with regard to the future of some of the buildings at the plant.

Those are decisions that would ultimately cost this country some hundreds of millions of dollars, and which Congress should examine closely.

By adopting this amendment with the constraints that I've twisted on and which have been agreed to, we basically reserve judgment on those issues until the full committee and subcommittee have had an opportunity to examine them with greater care in the context of the fiscal year 1992 appropriations bill.

The funding that is provided allows us to meet national defense needs. It is quite sufficient to fund activities needed to resume operations in the 559 laboratory building and the 707 fabrication building, needed to resume warhead safety improvements and for production of W88 warheads for Trident II missiles. The funding is also more than sufficient to proceed with safety, health, security, and environmental improvement required plant-wide, regardless of whether operations in some buildings ever resume.

At the same time, the restrictions prevent DOE from starting down the path toward spending hundreds of millions of tax dollars on buildings at the plant that may never again be needed for defense.

Mr. Chairman, it is astonishing to me that some have called these restrictions micromanagement. In fact, the opposite is true. What I've tried to do is reserve for Congress some say in setting policy for the future of Rocky Flats and the nuclear weapons complex; to reserve some say for Congress on basic decisions about defense, health and safety, and environmental needs. That's hardly micromanagement—that's a fundamental congressional responsibility. Given the size of our Federal deficit, it's also wise fiscal management.

Simply opening the Federal wallet and handing over the $283 million that DOE requested would commit us to a course of action at Rocky Flats and elsewhere that could cost the taxpayer many hundreds of millions of dollars. Under DOE's current plans, huge sums could be squandered on facilities at Rocky Flats that DOE's own studies confirm may never be needed or used.

For example, DOE's February 1991 reconfiguration study admits that buildings 771 and 776 at Rocky Flats may never be needed for defense work. At the same time, DOE plans to spend tens of millions of dollars to restart operations at these two buildings alone. That's why the restrictions I've insisted on—and which this amendment adopts—are so vital. They address DOE's costly policy contradictions. Clearly, Congress should not abdicate its vital oversight role here.

We should take a moment to remind ourselves of the consequences when Congress failed to provide adequate oversight of the nuclear weapons complex in the past. The bequest to the Nation from DOE and its predecessor agencies in managing Rocky Flats and other sites is a $150 billion cleanup bill. The awful legacy of most of the last 40 years—when Congress deferred too readily when the words "national security" were incanted, and a curtain of secrecy descended to conceal rampant mismanagement—is a set of facilities that were run into the ground and largely shut down for safety failings. Congress then defaulted too quickly in its responsibility. Now we're paying the bills. We should learn from these multibillion-dollar mistakes, not repeat them.

Even under the current leadership of the very able Secretary of Energy, James Watkins, who has made real improvements in operations at the Department, Congress still has a vital responsibility to oversee and provide guidance on these programs. There are broad policy issues Congress must address—such as how big a nuclear weapons arsenal, and how large a nuclear weapons production complex is needed to deter a rapidly changing Soviet Union. And since the Department continues to suffer from bad management in particular areas, it's vital that Congress review large spending requests very closely.

This spending request for Rocky Flats should be no exception. Hourly and salaried workers at the plant have told me extremely troubling stories of waste associated with restart efforts to date. Last winter and spring, millions of dollars were probably wasted on poor quality safety and training programs and on operations procedures that simply didn't work.

Part of the reason for that waste was that DOE pushed the contractor to rush to restart as quickly as possible. In the end, DOE realized its mistake, called off the rush, and then rebuked the contractor for poor quality control systems. Today, DOE is again asking its contractor at Rocky Flats for an aggressive restart program. Given past wasteful spending, it's clear we shouldn't stop our strict oversight today. And I certainly don't plan to.

During the February 1, 1991, meeting of the Secretary's Advisory Committee on Nuclear Facility Safety, members questioned the need to pump so much money into Rocky Flats restart when other options exist. One member stated, "There is conceivably a much better alternative to spending another half billion or $800 million to keep a facility that is not likely to be as safe as several others that already exist and are operational."

This amendment, while it doesn't do everything I'd like, does offer us a chance to look at these alternatives before we go too far or spend too much. And so I am supporting it.

□ 1450

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I will not try to extend this any longer. I agree with the gentleman on the oversight issue. Those of us in Colorado cannot be aggressive enough, I think, in oversight because of the long track record.

Mr. Chairman, I rise in opposition to the Myers amendment which seeks to provide $263 million in supplemental appropriations for the Rocky Flats nuclear weapons plant, 15 miles uphill and upwind from the center of Denver. This money was requested to expedite restart of plutonium processing operations at Rocky Flats; such operations have been halted for nearly a year and a half.

I had a lot of trouble supporting the committee reported level of $142.5 million either. I wanted to oppose any supplemental for Rocky Flats for three reasons:

First, we should not restart the plant. Rocky Flats is a sorry mess. There are pounds of plutonium in the ducts, which the Department of Energy [DOE] hasn't figured how to move. The machinery is old and unsafe. Many of the buildings are firetraps. There is a new contractor, EG&G, which is changing many of the operating procedures: indeed not all of the new procedures have been written. And, the staff has not yet been adequately trained on these new procedures. It is not safe to restart Rocky Flats now or anytime in the next few years, regardless of how much money we throw at it.

Second, we should be forcing DOE to move the plutonium processing activity out of a metropolitan area promptly. The recently released reconfiguration study documented the need to move Rocky Flats. But the final version deleted any reference to a date. It DOE restarts Rocky Flats, any urgency to move will be eliminated. Our first priority should be to move the plutonium processing function out of Rocky Flats.

Third, national security will not be harmed if Rocky Flats is not restarted. Rocky Flats produces plutonium pits, which serve as the triggers for nuclear weapons. These pits don't wear out. We have plenty of nukes which have to be retired, some because of arms control agreements, others because they are obsolete. It would be a simple matter to design new warheads to use old pits. In that way, we could recycle pits, save the taxpayer money, and not restart a terribly dangerous plant. I suppose this is too simple for DOE.

The workers at Rocky Flats are a highly skilled and hard working group. We need them kept on the payroll and trained to decontaminate and decommission the plant. Environmental restoration at Rocky Flats will involve new science and new technology. The talented Rocky Flats work force are who should do that.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to commend the gentleman for working out this agreement with the gentleman from Indiana [Mr. MYERS]. I understand his sensitivity. We in the State of Washington have Hanford. We have had our problems in terms of oversight. We share his concern about appropriate cleanup, and we understand the magnitude of the costs.

However, Mr. Chairman, I also would suggest to my good friend, the gentleman from Colorado [Mr. SKAGGS] that he is right in his other comment that there are some very crucial defense and national security programs at stake here, including the triggers and pits required for our Trident submarine warheads, and we are in a situation where we are going to have the submarines built and the body of the missile built, but not have the warheads.

So, trying to work out compromises here, trying to get the plants fixed and safe to operate is really crucially important, and I commend the gentleman from Colorado [Mr. SKAGGS] for the approach that he is taking to this problem.

Mr. SKAGGS. Mr. Chairman, I appreciate the comments of the gentleman from Washington [Mr. DICKS] and, as he knows, we have, I think, preserved the capability to deal particularly with the W-88 Trident program in the approach that is being taken.

Mr. BEVILL. Mr. Chairman, I rise in support of the amendments offered by the gentleman from Indiana [Mr. MYERS].

Mr. Chairman, I rise in support of this amendment.

During deliberations on the fiscal year 1991 supplemental, the subcommittee considered the request from the Department of Energy for $283,000,000 for the resumption of operations at the Rocky Flats plant in Colorado. On the basis of information showing that only a portion of the funds could be fully utilized in fiscal year 1991, the subcommittee provided $142,500,000 for this activity, a decrease of $140,500,000 from the administration's request.

Further discussions with the administration have shown a need for additional funding in fiscal year 1991 to meet the urgent national security needs of the country. A total of $263,000,000 could be used to continue to address nuclear safety issues and facility safety and health upgrades for buildings necessary to resume activities at the Rocky Flats plant.

Based on assurances from the administration that these additional funds are essential to the national security in fiscal year 1991, I am supporting the effort by my good friend from Indiana, JOHN MYERS, to provide this funding.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Indiana [Mr. MYERS].

The amendments were agreed to.

The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $240,600,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $4,200,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $114,800,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $58,000,000 for development of a Patriot Missile Quick Response Program, to remain available until September 30, 1992.

GENERAL PROVISIONS

SEC. 201. Restrictions provided under subsection (b)(2) of section 301d of title 37, United States Code, as authorized by the National Defense Authorization Act for 1991 shall not apply in the case of flag or general officers serving as practicing physicians.

SEC. 202. Of the funds appropriated for fiscal year 1991 for the account "Aircraft Procurement, Navy", the amount of $987,936,000 provided for the F-14 remanufactured program shall be obligated for the twelve F-14 aircraft not later than thirty days after the enactment of this Act.

SEC. 203. None of the funds available to the Department of Defense may be used for advance procurement of material and other efforts associated with the industrial availability of the U.S.S. Kennedy other than the service life extension program for the U.S.S. Kennedy at the Philadelphia Naval Shipyard.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: on page 18, line 21, strike lines 21 and all that follows through line 2 on page 19 and renumber the sections accordingly.

Mr. BURTON of Indiana. Mr. Chairman, we are all concerned about the deficit which could approach $315 to $350 billion this year, and toward that end this amendment, which I am proposing, will save somewhere between $310 million and $700 million.

Last year I understand the Defense Department asked that the U.S.S. *Kennedy* undergo what is called service life extension program or a complete overhaul of that ship which would cost at that time $810 million. This year they estimate the cost to be $1.2 billion. But the Defense Department, the Department of the Navy, as I understand it, has revised their view of this situation, and they want to have a different kind of overhaul, which is called a regular overhaul, which would cost only $500 million.

Mr. Chairman, I do not understand why the language is in section 203 as it is because what it means, this language, is that we are going to have to have the service life extension overhaul, which is $1.2 billion, when the Navy is only requesting a regular overhaul, which would cost $500 million.

So, the amendment I propose will save $700 million, and I think it is something that everybody in this body ought to embrace.

I do not understand, and maybe the people who support this section of the bill, maybe they can explain why they want to have the service life extension program on the U.S.S. *Kennedy* rather than the regular overhaul, and, if somebody is there that can explain it to me, I would appreciate it.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, when we thought about this particular program, one of the problems is the Navy, in trying to avoid short-term costs, is going to increase long-term costs substantially. For instance, a SLEP will cost around $1 billion. But it will extend the life of the U.S.S. *Kennedy* by 15 years. If you put the normal overhaul into place, you only get 5 years out of it. You would have to have major overhauls every 5 years and the ship could be out of action three times as long.

So, Mr. Chairman, we think it is really not cost effective to save money in the short term in order to get by for a couple years when we would be so much better off doing the complete SLEP up front.

So, what do they do in a SLEP? They completely rework the entire inside of the ship. It is an entirely different procedure for a SLEP versus an overhaul. An overhaul is kind of a temporary thing that takes about 9 or 10 months.

Mr. BURTON of Indiana. Mr. Chairman, I would like to engage the gentleman from Pennsylvania [Mr. MURTHA] in a colloquy.

Mr. Chairman, can the gentleman from Pennsylvania explain to me why the Department of the Navy is only asking for a regular overhaul? They are obviously aware of the same situation he is and the same circumstances.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we run into that problem all the time. In order to get by for a couple of years they ask for less money, and we think that is a mistake in this case. We try not to micromanage their business, but in this case we believe the overhaul will cost substantially more money in the long run and the Navy will get less use out of that ship.

So, we are saying to them, "SLEP this ship, which means the ship systems will last longer, three times as long, the ship will be out of service a lot less time and the ship will be more capable."

We have had a lot of experience in dealing with the Navy, and they come in with short-term budgets, they try to fit as much as they can into that budget. It is more important than ever for us to make sure that we get our money's worth, even if we have to spend a little bit more in the short term.

Mr. BURTON of Indiana. Reclaiming my time, Mr. Chairman, I understand the gentleman's position, but it is in fact micromanaging the issue, and the Navy Department has only requested $500 million for a regular overhaul. The Defense Department is under severe budgetary constraints, as is this whole government, and it seems to me that we ought to try to work with the Navy as much as possible in keeping the defense budget under control while providing for the best possible defense for this Nation, and the Defense Department has asked for $500 million for a regular overhaul, and I submit to my colleagues that we should not try to micromanage to this degree, thus costing us about $700 million more at a time when we can ill afford to do it.

Mr. Chairman, this country this year is going to face at least a $315 billion deficit, and for my colleague, the gentleman from Pennsylvania [Mr. MURTHA], who I am sure has a very great interest in this project, to suggest that we should spend an extra $700 million for a project when the Navy is only requesting less than half that much I think is fiscally irresponsible. So, with all due respect to my colleague, I think that we should cut this section out of the bill and do what the Navy has requested, and that is only spend $500 million for a regular overhaul.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Indiana [Mr. BURTON].

Mr. Chairman, let me just reiterate the position that the committee takes on this particular issue. We believe that in this particular instance that even though the Navy in the short run would avoid a certain cost, not save money, but avoid the cost of the SLEP. In the long run it is going to cost them a lot more money, and it is not only going to cost them a lot more money for the normal overhaul but the ship will be out of action for a longer period of time. We believe it is extremely important for them to spend the money up front and get the maximum use of that money for a one-time SLEP and put this ship back into action as quickly as we can. We do not think it is good, effective cost management to spend less money now, and then down the road have to spend substantially more money.

When they first asked for this SLEP they estimated it would cost $810 million. Now it has gone up, and my colleagues can bet that when they run into an overhaul, sometimes those things are double the cost they expect. So, the best way to do it is to do it right the first time. A SLEP is the right way to do it.

Mr. Chairman, I would urge the Member of this Committee to vote this amendment down.

□ 1500

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that he will reduce to 5 minutes the time for a recorded vote, if ordered, after the presence of a quorum is established.

Since the Chair had already announced the absence of a quorum, the first action will be to establish a quorum, and the second vote, reduced to 5 minutes, will be on the question of the gentleman's amendment.

The Chair cannot vacate the announcement of the absence of a quorum even by unanimous consent.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 31]

Abercrombie
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bellenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Olin
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease

Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1521

The CHAIRMAN. Four hundred and eleven Members have answered to their name, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Indiana [Mr. BURTON] for a recorded vote.

Five minutes will be allowed for the vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 105, noes 315, not voting 13, as follows:

[Roll No. 32]

AYES—105

Allard
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bereuter
Billirakis
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Combest
Condit
Cooper
Cox (CA)
Crane
Dannemeyer
Dickinson
Dreier
Duncan
Early
Fawell
Fields
Gallegly
Gekas
Gillmor
Gilman
Glickman
Goodling
Goss
Gradison
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Holloway
Hopkins
Hubbard
Hyde
Inhofe
Jacobs
James
Kasich
Kyl
Lagomarsino
Leach
Lewis (FL)
Luken
Marlenee
Martin
Martinez
McCandless
McCollum
McEwen
McMillan (NC)
Meyers
Miller (WA)
Morella
Nussle
Oxley
Patterson
Paxon
Petri
Porter
Ramstad
Rhodes
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Schaefer
Sensenbrenner
Sharp
Shaw
Shays
Slattery
Smith (OR)
Spence
Stearns
Stenholm
Stump
Sundquist
Taylor (NC)
Thomas (WY)
Upton
Vander Jagt
Visclosky
Walker
Walsh
Washington
Wylie
Zimmer

NOES—315

Abercrombie
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dicks
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gingrich
Gonzalez
Gordon
Gray
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Ireland
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Machtley
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Santorum
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Solomon
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Volkmer
Vucanovich
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Zeliff

NOT VOTING—13

Ackerman
Bartlett
Dingell
Donnelly
Levine (CA)
Madigan
Miller (OH)
Murphy
Riggs
Sangmeister
Udall
Weiss
Wilson

□ 1530

Messrs. ENGLISH, SKEEN, and TANNER changed their vote from "aye" to "no."

Mr. BATEMAN, Mr. LEWIS of Florida, and Mrs. ROUKEMA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 204. Of the funds appropriated in the Department of Defense Appropriations Act (Public Law 100-463) for fiscal year 1989 under the heading, "Aircraft Procurement, Navy", $200,000,000 shall be made available to the Department of the Navy and shall be obligated for the V-22 Osprey tilt rotor aircraft program: *Provided*, That notwithstanding any other provision of law, these funds shall remain available until such time as they are expended for the V-22 Osprey tilt rotor program.

(TRANSFER OF FUNDS)

SEC. 205. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: *Provided*, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period of the appropriation from which transferred: *Provided, further*, That funds shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995";

AOE combat support ship program, $237,000,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991";

AOE combat support ship program, $77,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993";

AOE combat support ship program, $79,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994";

AOE combat support ship program, $81,000,000.

CHAPTER III
DISTRICT OF COLUMBIA
FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia" to provide for essential public safety, health and other municipal services in the face of a severe financial crisis, $100,000,000, to remain available until expended.

Ms. HORN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to enter into a colloquy with the distinguished gentleman from Pennsylvania [Mr. MURTHA], and I appreciate the willingness of the gentleman to discuss this matter with me.

Mr. Chairman, the thousands of sorties flown in Operation Desert Storm have demonstrated the importance of a strong naval air program. This legislation makes available approximately $897 million for the upgrading of 12 Navy F-14A fighters to the D configuration.

The F-14 provided valuable fighter escort for the ground-attack missions performed by our A-6's and A-7's.

Mr. Chairman, the F/A-18 aircraft, built by McDonnell Douglas Corp., made a significant contribution to the Desert Storm victory.

The President's budget request includes funds for upgrading further the F/A-18's capability to perform the ground attack role of the aging A-6. In making funds available for the F-14 in this supplemental, it is my understanding that it is the Congress' intent to upgrade our navy's fighter program. It is also my understanding that this funding does not suggest in any way that the effort to upgrade the F/A-18 will be altered, compromised or assigned to another program, or that funding of the F-14 will prejudice in any way that of the F/A-18.

Is that the understanding of the Chairman?

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Ms. HORN. I am happy to yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, as a matter of fact, we visited the Marine F/A-18 squadrons in Bahrain. Each of the marine pilots had flown about 50 missions, and they had not lost 1 airplane, one of the most modern airplanes in the world and doing an outstanding job in Desert Storm. So we intend to fund it fully at the Navy request. It is a good airplane, and the F-14 funding would not affect it at all.

Ms. HORN. Mr. Chairman, I thank the chairman.

Mr. BLILEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not use the time. I rise in strong support of the appropriation for the District of Columbia.

Mr. Speaker, I rise in support of the supplemental appropriation for the District of Columbia that is part of the package under consideration here today.

The District of Columbia is facing a budget shortfall of $316 million—a shortfall that threatens the city's ability to provide basic services to the Federal Government and to our 18 million constituents who will visit the city this year. This budget deficit is in no small measure the result of past neglect in city management. However, I firmly believe that the current leadership of the District is taking the appropriate steps to correct the problems of the city.

Mayor Dixon and Chairman Wilson deserve not only the credit for taking responsibility for resolving the city's fiscal problems, but also our support. Mayor Dixon is eliminating two-thirds of the budget deficit through fiscal discipline: the budget cuts which she is implementing include an across-the-board cut of $137 million, elimination of over 2,000 full-time positions, furloughs for school teachers and staff, and rejection of $63 million in pay raises for city employees. The Mayor has also proposed managerial and programatic reform based upon the recommendations of the Rivlin Commission. If the new administration is to succeed in these efforts, it will require the cooperation of the Congress in overcoming the immediate budget crisis.

The District's budget problems have been intensified, in part, by developments that were neither foreseeable nor controllable by the city or its leadership. While I strongly support President Bush and the leadership he provided in Operations Desert Shield and Desert Storm, one result of those operations was an increase of public demonstrations here in the District—demonstrations which required the expenditure of substantial District resources for public safety. Because the District is the Federal City, it frequently bears the financial burden of the exercise of freedom of speech and assembly. It should not be left to bear the cost alone.

In this respect, it should also be noted that the District bears many costs associated with being the seat of the Federal Government. Last night, when the President came to speak in this Chamber, additional costs were passed on to the city. Every time the President, Vice President, and visiting heads of state make a move, there are additional costs to the city. So too, the resolution which I supported and which was passed by this House yesterday disapproving a District Council Act authorizing a building project in excess of Federal height limitations points-up one of the many restraints that the Federal Government imposes on the District's ability to raise revenue.

This supplemental appropriation will in part make up for the failure of the Congress to make any significant increase in the Federal payment to the District since 1985, even though the cost of the services which the District provides to the Federal Government have increased in that time.

Mr. Chairman, I urge my colleagues to vote in favor this appropriation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER IV
DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL
GENERAL INVESTIGATIONS

Funds appropriated for "General investigations" in the Energy and Water Development Appropriations Act, 1991, Public Law 101-514, for the initiation of preconstruction engineering and design for the Los Angeles-Long Beach Harbors, California, project may be used for completion of the feasibility study for that project: *Provided*, That within funds appropriated for "General investigations" in the Energy and Water Development Appropriations Act, 1991, Public Law 101-514, not less than $5,800,000 shall be available only for the Passaic River Mainstem, New Jersey, project.

DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
CONSTRUCTION PROGRAM

For an additional amount for "Construction program" to meet the emergency needs for areas stricken by drought, $30,000,000, to remain available until expended.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I sought this time for the purposes of entering into a colloquy with the gentleman from California [Mr. FAZIO].

Mr. Chairman, this will not take long, but I would like to ask the gentleman from California [Mr. FAZIO] a couple of questions.

Mr. Chairman, I wish to clarify one point about drought-related activities to be funded by this legislation. Is it the gentleman's intention that only those activities previously authorized by law be undertaken?

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I am happy to yield to the gentleman from California.

Mr. FAZIO. Yes. The report to accompany this legislation states that "only authorized activities are to be undertaken." It is our intention that the Department shall not undertake any activity with these funds that are not already authorized.

Mr. MILLER of California. The committee report accompanying this bill indicates that the Bureau may undertake project modifications to assure water deliveries as one example of the activities that might be undertaken with these funds. I just want to make sure that we are not authorizing the Bureau to undertake new construction projects. What construction activities do you anticipate the Bureau will undertake?

Mr. FAZIO. Only those project modifications which are presently authorized will be undertaken. If Congress authorizes additional activities in separate legislation, these activities would be eligible for these funds, but only after drought legislation is enacted into law.

Mr. MILLER of California. Is it the understanding of the gentleman that

drilling wells and purchasing water for wildlife refuges is an authorized activity and may be undertaken right away?

Mr. FAZIO. That is my understanding.

Mr. MILLER of California. The Interior Committee will markup emergency drought legislation on March 13. This bill will contain additional authorities for the Department of the Interior to respond to the drought. In your view, does this appropriations legislation authorize the Bureau to implement the provisions of the drought bill now under consideration by the Interior Committee?

Mr. FAZIO. No; the Department may not undertake any activities not already authorized. This measure can in no way substitute for the important bill the gentlemen's committee is about to mark up. That bill is essential to an effective Federal response to the dire drought conditions facing much of the West. I commend the gentleman for his leadership on this issue and for his commitment to expeditiously bring before his committee and this House a comprehensive drought authorization bill.

Mr. MILLER of California. I thank the gentleman for his cooperation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

For an additional amount for "Atomic energy defense activities", $482,500,000, to remain available until expended.

INDEPENDENT AGENCIES

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $39,000.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $39,000.

CHAPTER V

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State unemployment insurance and employment service operations", $200,000,000, which shall be expended from the Employment Security Administration account in the Unemployment Trust Fund, to fund activities under title III of the Social Security Act, as amended (42 U.S.C. 502-504).

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

In the appropriations language under this heading in the Department of Labor Appropriations Act, 1991, delete the word "contractual" and the words "for legal and financial services".

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PROGRAM OPERATIONS

For an additional amount for "Program operations" for a targeted initiative to combat infant mortality, $25,000,000.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

For an additional amount for the "Supplemental Security Income Program", $232,000,000, for payment to the Social Security trust funds for administrative expenses, to remain available until September 30, 1993.

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for "Limitation on Administrative Expenses", $232,000,000 from any one or all of the Social Security trust funds as authorized by section 201(g)(1) of the Social Security Act, to remain available until September 30, 1993: *Provided*, That Public Law 101-517 is amended under this heading by striking "$150,000,000" and inserting in its place "$47,530,000".

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

Funds appropriated in Public Law 101-517 for grants to tribally controlled postsecondary vocational institutions shall become available for obligation on April 1, 1991.

CHAPTER VI

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Corinne L. Conte, widow of Silvio O. Conte, late a Representative from the State of Massachusetts, $125,100.

LIBRARY OF CONGRESS

ADMINISTRATIVE PROVISION

Previously obligated funds appropriated to the account "Library of Congress, Books for the blind and physically handicapped, Salaries and expenses" in Legislative Branch Appropriations Acts for prior fiscal years shall be exempt, effective as of March 5, 1991, from the application of the provisions of section 1405 (b)(4) and (b)(6) of Public Law 101-510 (104 Stat. 1679) and section 1552 of title 31, United States Code, and shall remain available until expended for the purposes for which originally obligated, in amounts as follows:

From amounts appropriated for fiscal year 1978 in Public Law 95-94, $223,000.

From amounts appropriated for fiscal year 1980 in Public Law 96-86, $393,000.

From amounts appropriated for fiscal year 1981 in Public Law 96-536, $4,905,426.

From amounts appropriated for fiscal year 1982 in Public Law 97-51, $1,960,000.

From amounts appropriated for fiscal year 1985 in Public Law 98-367, $2,226,243.

From amounts appropriated for fiscal year 1989 in Public Law 100-458, $1,391,280.

CHAPTER VII

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

(DISAPPROVAL OF DEFERRALS)

Effective April 16, 1991, in order to provide for urgently needed military construction and family housing, the Congress disapproves the deferrals relating to the Department of Defense as set forth in the messages from the Comptroller General transmitted to the Congress on June 28, 1990 (H. Doc. 101-210), and February 5, 1991 (H. Doc. 102-40): *Provided*, That this section may not apply to projects at installations recommended for closure or realignment by the Secretary of Defense pursuant to title XXIX of Public Law 101-510: *Provided further*, That the budget authority subject to the deferrals disapproved herein shall be made available for obligation effective April 16, 1991.

CHAPTER VIII

DEPARTMENT OF AGRICULTURE

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Salaries and expenses", not to exceed $13,000,000, to be derived from the Agricultural Quarantine Inspection User Fee Account, to be available to carry out inspection, quarantine, and regulatory activities.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inpection Act, as amended, $8,000,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $46,900,000.

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

For an additional amount for making benefit payments to individuals under the Food Stamp Act, for unanticipated costs incurred for the current fiscal year, $200,000,000, and in addition up to $1,300,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress: *Provided*, That funds provided herein shall remain available until September 30, 1992.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION

COAST GUARD

RETIRED PAY

For an additional amount for "Retired pay", $14,500,000.

CHAPTER X

GENERAL SERVICES ADMINISTRATION

None of the funds made available by this or any other Act with respect to any fiscal year may be used by the General Services Administration to obligate or expend any funds for the award of contracts for the construction of the Northern Virginia Naval Systems Command Headquarters project without advance approval in writing of the House Committee on Public Works and Transportation and the House Committee on Appropriations.

CHAPTER XI

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $303,084,000, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this head in prior years for projects to be developed for the elderly and handicapped under section 202 of the United States Housing Act

of 1959, as amended, $275,815,000 are rescinded.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS

For an additional amount for "Assistance for the renewal of expiring section 8 subsidy contracts", $155,815,000, to remain available until expended: *Provided*, That of the $7,734,985,400 provided for use in connection with section 8 expiring contracts in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991 (Public Law 101-507), is increased by the foregoing appropriation to $7,890,800,400, of which $4,234,500,400 shall be for existing certificates, $671,300,000 shall be for housing vouchers, and $2,985,000,000 shall be for loan management and other project-based section 8 contracts.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For an additional amount for "Payments for operation of low-income housing projects", $75,000,000, to remain available until September 30, 1992: *Provided*, That these funds shall be used by the Secretary for fiscal year 1991 requirements in accordance with section 9(a), notwithstanding section 9(d) of the United States Housing Act of 1937, as amended.

RENTAL REHABILITATION GRANTS

Notwithstanding section 289(c) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), the unexpended balances of the Rental rehabilitation grants program (account symbols 86/0182 and 86/0164), and any amounts recaptured under account symbol 86/0182 for such program, shall be added to and merged with the Revolving Fund (liquidating programs), established pursuant to title II of the Independent Offices Appropriation Act, 1955, as amended (12 U.S.C. 1701g-5), effective October 1, 1991.

REHABILITATION LOAN FUND

Notwithstanding section 289(c) of the Crantson-Gonzalez National Affordable Housing Act (Public Law 101-625), the assets and liabilities of the revolving fund established by section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), and any collections, including repayments or recaptured amounts, of such fund shall be transferred to and merged with the Revolving Fund (liquidating programs), established pursuant to title II of the Independent Offices Apprropriation Act, 1955, as amended (12 U.S.C. 1701g-5), effective October 1, 1991.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

Of the amount made available under this head in Public Law 101-507, $500,000 shall be made available for the National Commisson on Manufactured Housing as authorized by section 943 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625).

ADMINISTRATIVE PROVISIONS

SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.—Section 811(k)(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(4)) is amended by striking "20 persons with disabilities" and inserting "24 persons with disabilities (or such higher number of persons as permitted under criteria that the Secretary shall prescribe)".

PREVIOUSLY OBLIGATED FUNDS

All previously obligated funds appropriated to the Department of Housing and Urban Development under the head "Urban development action grants" for prior fiscal years shall be exempt, effective as of March 5, 1991, from the application of the provisions of section 1405 (b)(4) and (b)(6) of Public Law 101-510 (104 Stat. 1679) and section 1552 of title 31, United States Code, and shall remain available until expended for the purposes for which originally obligated.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II through page 32, line 10, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the bill?

PARLIAMENTARY INQUIRY

Mr. KOLBE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KOLBE. Mr. Chairman, did I understand that all the remaining part of title II is open for amendment?

The gentleman from Arizona is correct.

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOLBE: Page 32, after line 10, insert the following:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Proposed Rescission (R91-20) Fiscal Year 1991

Of the funds made available under this head in Public Law 101-507, $535,000,000, together with all uncommitted balances remaining in the Nehemiah Housing Opportunity revolving fund, are rescinded: *Provided*, That $233,760,000 shall be inserted in lieu of $733,760,000 for the development and acquisition cost of public housing: *Provided further*, That no funding shall be available for assistance under the Nehemiah housing opportunity program.

HOUSING

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

For the Homeownership and Opportunity for People Everywhere Programs, as authorized under Title III of the United States House Act of 1937, and subtitles B and C of Title IV of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and the Hope for Elderly Independence demonstration program as authorized under section 803(k) of such Act, $165,000,000, to remain available until expended.

SHELTER PLUS CARE: SECTION 202 RENTAL ASSISTANCE

For the Shelter Plus Care: Section 202 rental assistance program, as authorized under subtitle F, part IV, of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, $18,000,000 to remain available until expended.

SHELTER PLUS CARE: SECTION 8 MODERATE REHABILITATION, SINGLE ROOM OCCUPANCY

For the Shelter Plus Care: Section 8 moderate rehabilitation, single room occupancy program, as authorized under subtitle F, part III, of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, $24,000,000, to be derived by transfer from the Section 8 moderate rehabilitation single room occupancy program, to remain available until expended.

CONGREGATE SERVICES

All of the funds made available under this head in P.L. 101-507 are rescinded.

COMMUNITY PLANNING AND DEVELOPMENT

HOME INVESTMENT PARTNERSHIP GRANT PROGRAM

For the HOME investment partnership program as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625). $500,000,000 to remain available until expanded *Provided*, That for the purposes of the foregoing amount, such Act shall be construed as providing the following in section 216(3)(A), "$750,000" both places it appears shall be "$375,000" in section 217(b)(2)(A), "$3,000,000" both places it appears shall be "$750,000" in section 217(b)(2)(B), "$500,000" both places it appears shall be "$125,000" and in section 217(b)(3), "$500,000" shall be "$250,000".

SHELTER PLUS CARE: HOMELESS RENTAL HOUSING ASSISTANCE

For the Shelter Plus Care: Homeless Rental Housing Assistance program, as authorized under subtitle F, part II, of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, $80,000,000 to remain available until expended.

URBAN DEVELOPMENT ACTION GRANTS

Proposed Rescission (R91-23) Fiscal Year 1991

Available funds under this head (including amounts deobligated in fiscal year 1991), except such amounts as may be necessary to comply with court orders of United States Courts which direct the Secretary of Housing and Urban Development to set aside funds for possible future approval of grants to carry out urban development action grant programs authorized in section 119 of the Housing and Community Development Act of 1974, as amended are rescinded.

RENTAL REHABILITATION GRANTS

Proposed Rescission (R91-24) Fiscal Year 1991

All of the funds made available under this head in P.L. 101-507 are rescinded.

REHABILITATION LOAN FUND

Proposed Rescission (R91-26) Fiscal Year 1991

Amounts made available for commitments for loans under this head in Public Law 101-507, other than amounts necessary for operating costs and the capitalization of delinquent interest on delinquent or defaulted loans, are rescinded.

URBAN HOMESTEADING

Proposed Rescission (R91-25) Fiscal Year 1991

All of the funds made available under this head in Public Law 101-507, together with available balances (including amounts deobligated in fiscal year 1991), are rescinded.

MANAGEMENT AND ADMINISTRATION—ADMINISTRATIVE PROVISIONS

ADMINISTRATION OF THE HOME PROGRAM

Section 204 of the Cranston-Gonzalez National Affordable Housing Act (Public Law (101-625) is amended by deleting "through the Office of the Assistant Secretary for Housing FHA Commissioner of the Department of Housing and Urban Development,".

Implementation of the HOME Program in Fiscal Year 1991 with Interim Regulations

Section 206 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is amended to read as follows.

"Sec. 206. Regulations.—Not later than 180 days after the date of enactment of this act, the Secretary shall issue interim regulations to be effective on publication to implement the provisions of this title. The Secretary shall issue final regulations to implement the provisions of this title by October 1, 1991.".

Streamlined Certification Under the HOME Program

Section 218(d) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is amended to read as follows.

"(d) Certification—A participating jurisdiction shall provide to the Secretary, at such times and in such form as the Secretary shall determine certification that the jurisdiction shall use the funds made available under this title pursuant to the participating jurisdiction's approved housing strategy and in compliance with all requirements of this title.".

Timing of Submission of Comprehensive Housing Affordability Strategy

Notwithstanding Section 216(5) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), for fiscal year 1991, each jurisdiction that intends to participate under Title II of such Act shall submit to the Secretary its comprehensive housing affordability strategy in accordance with section 105 of such Act no later than 90 days after the date of publication in the Federal Register of the rule that specifies the requirements for the strategy.

HOME Repayments to Non-Participating Jurisdictions

Subsection (a) and (b) of section 219 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) are respectively amended by deleting "reallocated in accordance with section 217(d)" and inserting in lieu thereof "retained and invested by the jurisdiction for uses eligible under section 212(a)(1)".

Timing Requirements on Local Match

Section 220(a) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is amended by striking out ", throughout a fiscal year,"; and by striking out "in that fiscal year" in paragraphs (1), (2), and (3), respectively.

Environmental Review Amendments

Section 288 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is amended by striking out "participating" in subsections (a), (b), and (c) thereof, and inserting in subsection (d) thereof immediately after "In the case of assistance to" the following: "units of general local government from".

Title III of the United States Housing Act of 1937 (42 U.S.C. 1437aa) is amended by adding the following new section at the end thereof:

"Section 310. Environmental review.—The provisions and requirements of section 288 of the Cranston-Gonzalez National Affordable Housing Act shall also apply to States and units of general local government that receive assistance under this title.".

The Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is amended by adding immediately after section 431 the following new section:

"Section 432. Environmental Review.—The provisions and requirements of section 288 of the Cranston-Gonzalez National Affordable Housing Act shall also apply to States and units of general local government that receive assistance under this subtitle.".

The Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is amended by adding immediately after section 448 the following new section:

"Section 449. Environmental review.—The provisions and requirements of section 288 of the Cranston-Gonzalez National Affordable Housing Act shall also apply to States and units of general local government that receive assistance under this subtitle.".

HOPE for Elderly Independence Demonstration Period

Section 803(a) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is amended by striking out the second sentence.

Timing of Operating Subsidy Regulations Changes

Section 9(a)(3)(A) of the United States Housing Act of 1937 is amended in the second sentence by inserting "and" immediately after "public housing agencies and their associations," and by deleting "prior to the start of any fiscal year to which it applies, and remain in effect for the duration of any such fiscal year without change."

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

□ 1540

The CHAIRMAN. Pursuant to the rule, the gentleman from Arizona [Mr. KOLBE] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. TRAXLER] will be recognized for 30 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that 15 minutes of my time be given to the gentleman from Virginia [Mr. MORAN] and that he may be entitled to yield time from that 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The gentleman from Arizona [Mr. KOLBE] has 15 minutes, the gentleman from Michigan [Mr. TRAXLER] has 30 minutes, and the gentleman from Virginia [Mr. MORAN] has 15 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume. I rise today to offer an amendment to H.R. 1281, the dire emergency supplemental appropriations for fiscal year 1991.

The amendment would provide funds for the New Hope and the New Home Program as well as the Shelter-Plus Care Programs, all of which were authorized last year by the National Affordable Housing Act which this body adopted.

I would also like to take time to commend the gentleman from Virginia [Mr. MORAN] for lending his support to this important initiative. At the same time, I also want to commend the chairman of the subcommittee, the gentleman from Michigan [Mr. TRAXLER] for the hard work that he and his subcommittee have done on these programs in the past, and I know the consideration that they are going to be giving to them in the future. I would also like to pay the same tribute to the ranking Republican, the gentleman from New York [Mr. GREEN].

Let me get to the point. Last session, this body overwhelmingly passed the Cranston-Gonzalez National Affordable Housing Act, by a vote of 378 to 43. The legislation authorized new and innovative approaches to expand home ownership and resident management, to expand housing assistance to the large numbers of unassisted households, and to begin an innovative new service-supported housing program for those homeless and most in need. What my amendment does today is very simple: It gets these three programs started. These programs were authorized late, too late to get any funding in fiscal year 1991, but HUD has worked very rapidly since last fall to write the regulations for those programs. The HOPE regulations were promulgated on February 4 of this year.

The HOME Program regulations, along with the forms, were given to Congress on February 28 of this year. So these programs are now ready to go. The Secretary and his team are ready to go. So why are we waiting?

The second point that I would make is that this amendment is revenue neutral. It does not add any dollars. It comes under the caps; it comes under the budget summit agreement. It takes money from the existing appropriation for new construction to begin the funding for these vital programs. If we were to fund these programs for the rehabilitation of housing units, we would lose about 6,500 units or roughly 6,500 new units over the next 5 years. In its place we would get in the next 1 or 2 years, 37,000 new units for those who need shelter in this country. And we do this as I suggested, with $500 million reduction in public housing new construction.

Further funding would come from $263 million in savings that come from consolidating five small categorical programs in 1991. These programs such as the Nehemiah grants, rental rehabilitation grants, urban home setting, all of these would be eligible for funding under the HOME Program which is the block grant program. So, no community can say that we are taking away those dollars. We are not going to be able to have those programs because all of them could be funded under that.

Let me make one final point. There has been some misinformation with re-

gard to Indian Programs, that they would be adversely affected by this amendment. That is not true. The set-aside for Indian Programs is still there. The 3,000 Indian housing units in fiscal year 1991 are not touched by this amendment. Voting to support this amendment is a vote to increase funding for the Indian areas because of the set-aside that would be in there as well.

All in all, Mr. Chairman, I think this amendment simply recognizes and says to the American people, says to those who need housing, Let's get on with the programs we said last fall were good programs. Let's get on with funding these programs. Let's get started. I hope that the Members of this body will do just that.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the distinguished gentleman for yielding. As a member of the Subcommittee on Housing and Community Development, I want to commend the gentleman for his initiative. I support it. The gentleman has anticipated my question regarding Indian housing, and I thank him very much for that assurance.

Mr. KOLBE. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Michigan is entitled to 30 minutes under the rule.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York [Mr. GREEN], the ranking member of the subcommittee.

Mr. GREEN of New York. Mr. Chairman, I rise to oppose the amendment. Let me make it very clear that in rejecting the request for the rescission of the existing program funds in order to transfer the funds to new programs, the subcommittee and the full Committee on Appropriations did so without any prejudice to the funding of those new programs for fiscal year 1992. That is explicitly stated on page 44 of the report that accompanies this bill. I want to assure the gentleman that those programs will get every consideration as we look at the fiscal year 1992 funding cycle. We recognize that the Committee on Banking, Finance and Urban Affairs put an enormous amount of work into this bill. It is probably the most complicated new bill in the housing field since at least 1974, maybe since 1968.

We understand that the bill represents a mammoth amount of work on the part of the Committee on Banking, Finance and Urban Affairs, and we appreciate and express our thanks to the members of the Committee on Banking, Finance and Urban Affairs for what they have done.

Let me also say that our decision not to fund these programs in fiscal year 1991 is no criticism of the Department of Housing and Urban Development. I think the energy with which the Department drew up the regulations, the fact that it was able to complete them so quickly, shows the kind of leadership that our former colleague, Secretary Kemp, has been providing at HUD, and I want to pay tribute here and now to the very important job that Secretary Kemp is doing in that formerly troubled agency.

However, having said that, I still hope my colleagues will vote against this amendment. Let me explain why. If there is one basic theme that runs through the 1990 Housing Act, it is the devolution of responsibilities that previously rested with HUD upon State government, upon local government, upon nonprofit organizations throughout the country, which get increased responsibilities for operating many of the programs of which HUD was a direct operator in the past. While HUD has certainly done its part of the job in getting the regulations out quickly, the fact of the matter is, as the gentleman was candid enough to admit, one part of the regulations came out only a month ago. Another part was published in the Federal Register on a basis which gave State and local governments only 8 days to comment before the regulations took effect. The fact of the matter is that most of the communities that are going to have to operate these programs simply want more time to address the issues and to learn how the programs function. If they are to make these new programs work, I think they are entitled to have the time to do it.

That is why fully 44 agencies or groups representing those who are going to have to make these programs work at the State and local level are opposed to this amendment. They include groups like the American Federation of State, County and Municipal Employees; the Evangelical Lutheran Church in America; the Mortgage Bankers Association; the National Association of Counties; the National Association of Home Builders; the National Association of Realtors; the National Council of Senior Citizens; the National League of Cities; the National Puerto Rican Coalition; the National Urban League; the Union of American Hebrew Congregations; the United Church of Christ; the U.S. Conference of Mayors; and the United Way of America. There is another list equally long that I could go through if time permitted.

□ 1550

In short, it is very clear that the members of the user community simply want more time to digest these massive regulations and these massive new programs that they are going to have to operate. I think they are entitled to that time.

Let me just give one instance where I think there are still a lot of problems to be worked out. Unlike the programs which HUD has been operating since 1974, most of which have not required local matches or matches by nonprofit sponsors in order to get the money from HUD, these programs generally require State, local or nonprofit organization matches.

Now, it is clear that the match does not have to be a cash match, but it is far from clear at this point what counts and what does not count as a match that entitles a city for example, to get its funds from HUD.

Thus it is expected that many cities may contribute a physical facility or a piece of land as their local match; however, there are real issues under this law as to whether, if that facility or if that land was acquired by a municipality through the use of federally tax exempt bonds, that facility or that land qualifies under the new law for the local match. As we all know, State and local governments by and large around this country are facing very severe fiscal problems. The issue of whether they are going to have to come up with fresh resources in order to meet the local matching requirements or whether there is some way that HUD can find to get around those problems is an absolutely critical one in terms of the ability of State and local governments to take on the additional fiscal load that is imposed on them under this legislation.

I suggest that we ought to have the opportunity to explore that issue in the course of our hearings on the fiscal year 1992 appropriations. There are authorizations for all these programs for fiscal year 1992 in the housing bill that we passed last year, so there is absolutely nothing prejudicial to those programs by our not acting at the present time.

In conclusion, I should like to point out that this is an emergency supplemental. We have dealt with the one true emergency that the Secretary sent up to us. The Secretary was concerned that HUD would not have adequate funds to deal with expiring section 8 subsidies. That would have meant people would be out on the street because HUD was unable to continue the funding that is enabling them to rent their apartments.

We put up the money that HUD requested for that purpose. What is being requested by HUD in the Kolbe-Moran amendment is not an emergency. There is time to wait until October 1 to fund these programs. They are authorized in fiscal year 1992, and I think it behooves all of us to give ourselves, and to give the State and local governments and the nonprofit organizations that are going to have to run these programs and that are asking us for more time, the additional time that they request

so that they can make these programs work.

Mr. MORAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are certain things that a freshman is not supposed to do, and certainly one of those is to question the judgment of the Appropriations Committee, not because they are all-powerful necessarily, but because the distinguished members that subcommittee chairs, such as the gentleman from Michigan [Mr. TRAXLER], the reason we do not question the judgment of the Appropriations Committee normally is primarily because the members work so conscientiously to reflect the will of their colleagues and the best interests of the American people.

I served as a staff member of the Senate Appropriations Committee under Senator Magnuson before being elected to office 12 years ago. I know the respect that the Appropriations Committee chairman ought to be accorded; but Mr. Chairman, my first duty is to my constituents and to my conscience. Both compel me to ask my colleagues to modify this supplemental appropriations request. The modification we propose would provide more than five times the number of housing units, over 36,000 units assisted versus the appropriations request. More than $600 million in new and carryover funds would be preserved to continue the public housing construction program.

HUD reports that an $18 billion backlog exists in public housing new construction funds from previous years, not counting the 10,000 new units appropriated for the present fiscal year.

HUD construction reports show that it takes more than 5 years to outlay new public housing construction, while the programs that we are suggesting be initiated this year generally can be implemented in less than 2 years.

Mr. Speaker, we are asking that $500 million be made available to States and localities to implement the innovative ideas that we all agree make sense.

This amendment is undoubtedly going to fail, and one of the reasons is because it is being characterized as a Republican attempt to gut public housing. It is not.

The National Affordable Housing Act passed last year overwhelmingly, and all this does is to say that if it was a good idea last year to fund, it is still a good idea, and if it is a good idea to fund next year, as everyone has agreed it will be, it is a better idea to fund it this year. That is all we are talking about.

There is no ideological issue at stake here. We have agreed that the HOME Program makes sense, that the HOPE Program makes sense. All we are talking about is the timing.

We have a lot of public housing construction that has already been authorized and in fact appropriated for, but we have not appropriated money for these new initiatives, and they deserve a chance.

I have a number of constitutents from Alexandria, and it is right across the river; if you do not believe me we will give you the addresses and you can ask them; they are residents of public housing; they believe that this can help them.

Alexandria had more public housing in 1940 than any jurisdiction in any suburb in the country on a per capita basis. In fact, we have maintained that commitment for 50 years, but public housing is not fulfilling the intent that it was authorized for 50 years to accomplish and that was not to give people permanent shelter. It was to give people the means to become more self-sufficient. It is not accomplishing that. These ideas will go further toward accomplishing that goal, particularly in the HOPE Program.

We are only talking about $165 million. It deserves a chance to see if it is going to work.

The $500 million simply funds the ideas that were authorized in the Authorization Act last year, but what it does is to give more discretion to States and localities to fashion the money according to their needs and based upon their existing resources. It gets more bang for the buck. I think we ought to support it.

I appreciate the amendment that the gentleman from Arizona [Mr. KOLBE] has offered and I certainly appreciate all the time and judgment and leadership that Chairman TRAXLER has provided in the housing area.

Mr. TRAXLER. Madam Chairman, I rise in opposition to the amendment and I yield myself such time as I may consume.

Madam Chairman, it is with some reluctance that I rise in opposition to the amendment. The makers of the amendment, the gentleman from Arizona [Mr. KOLBE], a distinguished member of the Appropriations Committee, and the gentleman from Virginia [Mr. MORAN], a former mayor and promising freshman of this body, certainly bring, I think, intelligence and rationality to a difficult issue. It is with some appreciation, indeed I even thank them for allowing us to discuss this important issue affecting so many of America's poor.

Having said this, obviously it is with some pain that I therefore rise in opposition to the Kolbe-Moran amendment. These amendments purport to shift approximately $800 million for existing HUD programs and use it as an offset to finance new programs authorized in the 1990 Housing Act.

In addition, the amendment contains 10 administrative provisions, all except one modifying the National Affordable Housing Act of 1990.

□ 1600

Now, these administrative provisions are legislative matters which are, in my judgment, within the jurisdiction of and ought to be considered by the full Committee on Banking, Finance and Urban Affairs, not on the House floor and not as an amendment to an appropriations bill.

Now, the Subcommittee on VA, HUD, and Independent Agencies, which I have had the great honor of chairing, did not include funding for any new housing initiatives in its recommendations.

Now, this action, as Mr. GREEN has said, is taken without prejudice. We have not passed judgment on the relative merits of the provisions of the National Affordable Housing Act of 1990.

We will unquestionably fund some of those programs in the fiscal year 1992 appropriations bill of the Subcommittee on VA, HUD, and Independent Agencies. That bill will be coming before this body, hopefully, sometime in May or perhaps early June of this year.

Now, why did we not agree with these proposals? In our judgment, we ought not to be starting programs in the 1991 supplemental that we may not be able to fund again in the 1992 bill, the one we are going to be doing in just a matter of a few months.

On a comparable basis, there is over—and get this, it is very important—there is over $4 billion more authorized in the 1992 Housing Act than we appropriated in the 1991 housing bill. So if we did the things that we did in 1991, we would need $4 billion more to fully fund the 1990 National Affordable Housing Act.

I can tell you in all honesty and candor, as the gentleman from New York [Mr. GREEN] did, that we do not believe, and I do not think anybody in this body believes, that the subcommittee will get that kind of a 602(b) allocation. I would be delighted if we did; I would be thrilled if that would happen. We would then be able to do many of the things that you have asked us to do.

Unfortunately, because of the financial situation of this Nation and because of the budget summit agreement of last fall and the domestic limitations under which we all have to live, that is not a possible scenario. I regret to advise you of that. And no one is more pained by that than I am.

Therefore, in our judgment, it would be premature to initiate funding for selected few housing programs and make those kinds of thrusts.

Now, in addition to that, I must tell you that we could not agree to any of the proposed rescissions. Therefore, if we could not agree to the rescissions of funds in the 1991 bill, we could not agree to the new initiatives that are proposed here, since that is where the money would come from.

The subcommittee will fund, I can assure you, such portions of the new housing initiatives as our 602(b) allocation will permit us to do. That is a great mystery and a great unknown out there, as I just explained just a moment ago. We will do that after we have had time to thoroughly review the smorgasbord of new programs that are in the 1990 National Affordable Housing Act. Candidly, and this is not meant as a criticism—I understand how the legislation came together, and I would have been doing the same things—candidly, we now have an exceptional number of programs in housing, and we will be unable, I can assure you again, to fund all in the 1992 bill. It is going to require very, very difficult choices. The committee would prefer not to be selecting among such a great number of programs. We wish that the legislation had focused on perhaps a fewer number of new initiatives. We appreciate the making of that stew and we know why it came out in the fashion it did. We will do our very best, in consultation with the Committee on Banking, Finance, and Urban Affairs, to do what is right by way of these new housing programs.

The judgment of the committee is that now is not the time to begin these initiatives.

I might just add something on the public housing pipeline: You will recall there have been some comments on the floor and also in a letter from the Secretary on that subject. Let me say that the Secretary is a dear friend of mine, a graduate of the full Committee on Appropriations, where he served with great distinction and honor for a number of years. It is with some sadness that the committee took this action, certainly not out of disrespect for the Secretary of HUD, the gentleman from New York, Mr. Kemp.

We have assured him that this is done with no prejudice and that we will revisit this area in the 1992 bill.

Now, speaking to the pipeline question, the Department, I must say, though, has some responsibility for the pipeline backlog and jam.

The 1990 public housing units—and this is 1990, now—some 5,700 units are not yet committed because of the Agency's inaction.

Furthermore, the Department is withholding, not committing the funds for the 10,000 units that were provided for in 1991. The balance of the units represents, in my judgment, the normal pipeline backlog because this is a construction program.

Bearing that in mind, I urge my colleagues to say no to the amendment and vote it down.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I thank my distinguished chairman of the subcommittee for yielding this time to me.

Mr. Chairman, I rise in opposition to the Kolbe amendment. I am very concerned about the fact that the largest chunk of the money that would be required to fund the new initiative would come out of the public housing development fund, a rather extensive sum of $500 million, in order to fund one of these new initiatives.

I think it is important for us as we scrutinize the amendment here to recognize the fact that the compromise on the 1990 Housing Act, which was adopted overwhelmingly in the last Congress, is that the new HOPE and HOME Programs would be funded in fiscal year 1992. The compromise did not include funding these new programs in fiscal year 1991 at the expense of the public housing programs which were funded in the 1991 Appropriations Act at 10,000 units.

I think it is also important for us to recognize a couple of other things: One, that while the HOME Program may provide a predictable stream of funds to more than 300 cities and States, it cannot provide the deeply subsidized housing that those who are eligible for public housing so desperately need in this country.

The HOME Program is only a gap-financing program; it restricts the ability of a community to undertake new production.

Thirdly, the proposed definition of matching funds for HOME will preclude most localities from raising sufficient match to in fact take advantage of the HOME Program this year.

I appreciate the fact that the distinguished chairman of the subcommittee on which I sit has made it very clear that the subcommittee will fund some of these new housing initiatives in 1992. But we simply ought to have the opportunity to conduct some hearings and be able to review these programs, get the input of the members of the subcommittee along with the other Members and then be able to ascertain which of these programs should have a priority.

This is simply not the time to just initiate funding for these newly authorized programs. I would hope the Members of the House would give us the opportunity on the subcommittee to scrutinize carefully these programs and be able to ascertain the proper priorities and then fund them properly. But not to do this at the expense of the current public housing development program.

For that reason I urge the Members to vote "no" on the Kolbe amendment.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to my good friend and colleague, the gentleman from Pennsylvania [Mr. MCDADE], the distinguished ranking member of the Committee on Appropriations.

□ 1610

Mr. MCDADE. Mr. Chairman, I have the very highest regard for the gentleman from Michigan [Mr. TRAXLER] and the gentleman from New York [Mr. GREEN]. They do an excellent job in carrying out their responsibilities in this body and on their subcommittee. So it is with reluctance that I must disagree with the position they have taken today. I do so because I simply do not know of Members of this body who get out and look around as my friend, the gentleman from Virginia [Mr. MORAN], the newest Member from Alexandria, does at the public housing situation in this country and conclude that the well-intentioned, but inefficient, programs of HUD are adequately meeting the public housing needs in this country. That is exactly why the Congress struggled, and labored, and sweated over an omnibus housing bill that was signed into law last year. That new initative is enthusiastically supported by Members on both sides of the aisle, as evidenced in the vote on that bill. It is supported by the administration, and it makes an effort to chart a bold new course for housing policy in the United States.

In addition, it creates multiple opportunities for new innovation. The HOME Program empowers States and localities to address their particularly low housing needs with maximum flexibility. The HOPE Program empowers the poor to become home owners in their own right.

Mr. Chairman, as I said, the bill passed both bodies as close to unanimously as could be. The gentleman from New York [Mr. GREEN], my friend, rightly pointed out, as did the gentleman from Michigan [Mr. TRAXLER], my friend, that the Secretary of Housing and Urban Development has bent over backwards to get out the rules and regulations to cut through the bureaucracy to try to get these programs going.

My colleagues, it comes down to this for me. We have worked too long and too hard to establish a new policy for this country's housing. No more delays. No more reviews. No more rewrites. The Congress has spoken. The course has been charted. Now is the time to provide the funding.

I urge my colleagues to support the Kolbe-Moran amendment.

Mr. MORAN. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona [Mr. KOLBE].

The CHAIRMAN. The gentleman from Arizona [Mr. KOLBE] now has a total of 18 minutes remaining, and the gentleman from Michigan [Mr. TRAXLER] has 12 minutes remaining.

Mr. KOLBE. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. My colleagues, most Members of this House are very familiar with pockets of poverty in their

own communities. We know precisely where low-income families live and struggle and have been living and struggling for decades in our communities. We also know in our heart of hearts that many of these public housing units are monuments, permanent monuments, and reminders that at one time we fashioned some well-intentioned social policies that have not worked. They have failed to address the needs of the people who live in them.

Mr. Chairman, I cannot help but think, if we all take a mental walk through most of those communities and housing projects, we would all conclude that we must continue to provide housing opportunities for the underprivileged and the low-income among us, but that we must do so in an entirely different way.

So, let us not talk about programs. Let us talk about people. Does public housing, new construction, and that is the primary source of these dollars which will be shifted to some of the new initiatives included in this amendment, do they help more people quicker, which is the best way in a time of fiscal restraint, budgetary considerations, to use the finite number of resources we have available? What is the best way?

In my judgment the best way is to allocate those resources to those programs that will house the greatest number of people in the quickest period of time.

Now let us take a look at the major component of this and specifically the transfer of the $500 million from the public housing development program to the HOME block grant. I say to my colleagues, "If you care about people who are desperate for housing, if you care more about people than you do for preserving programs, then in my judgment you would approve of this transfer of funds because it would help 6 times as many households, and probably as many as 100 to 120,000 more people."

What is the best way, or in this comparison what is the better way, to use $500 million? And I might add to those of my colleagues who are concerned therefore about the remaining dollars available for new construction that it does nothing to the 25,000 units of public housing new construction that are in the pipeline and takes years and years to build.

So, Mr. Chairman, I say to my colleagues, "If you care about people and not programs, if you want to maximize the number of shelters, or homes or opportunities that people in desperation and in need should have, then I would support the Kolbe-Moran amendment."

There is another very critical component to this particular amendment, and it is the transfer of funds to another program, another initiative, and it is not a demonstration initiative. I cannot help but comment with regard to the transfer of some of these dollars into the HOME Program. This program has been out there for 3 or 4 years. The whole approach has been used in communities all across this country. It is not an experiment. It has been going on in our communities for over 3 years, and it works.

Let me just conclude with a quote from Robert Woodson, president of the National Center for Neighborhood Enterprise, talking about the HOPE tour in St. Louis:

> We saw tenant power transform the reception and reality of public housing from blighted crime-ridden projects to attractive resident-managed developments poised for resident ownership and revitalized by aggressive economic development programs. We learned first-hand what extraordinary results can be achieved by ordinary people when given the financial support and technical assistance to take control of their lives. The challenge is not to do more with more. The challenge is to do more with the same amount of resources.

Mr. Chairman, I say to my colleagues, "Please support, if you are interested in people and not programs, the Kolbe-Moran amendment."

Mr. TRAXLER. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Arizona [Mr. KOLBE] and in support of the position advocated by the gentleman from Michigan [Mr. TRAXLER].

Mr. Chairman, I was very proud last year, in 1990, to vote for the housing bill and to support within it each of these components: the HOME Program, which allows local government to provide affordable housing to its people; the HOPE Program, which allows people to have an opportunity to acquire a home; and then the Shelter-Plus, which allows homeless people to have treatment if they have mental illness or drug abuse problems. I support those programs, and I support generous funding for them. However, Mr. Chairman, I do not support funding them today and in this way.

I have heard from the administrator of our housing programs in Louisville as recently as today, from Ms. Andrea Duncan, who has been the long-time director of the Louisville Housing Authority who feels that shifting these monies at this time from the critical programs of public housing in Louisville, and other cities like it, would be a very serious mistake. So, I hope we listen to the wisdom and advice offered by the gentleman from Michigan [Mr. TRAXLER], my friend, and the gentleman from New York [Mr. GREEN], my friend, who say that there will be funding, that these programs will not be forgotten, that they will receive careful attention, but in due course, not now, not today, not in this way. If we act today, we will be making a mistake.

□ 1620

So, Mr. Chairman, let us save public housing today and move forward on HOPE, HOME, and Shelter-Plus tomorrow.

The CHAIRMAN. The gentleman from Arizona [Mr. KOLBE] has 14 minutes remaining, and the gentleman from Michigan [Mr. TRAXLER] has 10 minutes remaining. The Chair would remind the gentleman from Michigan that he retains the right to close debate on this amendment.

The Chair recognizes the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I yield three minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA], the ranking member of the Subcommittee on Housing and Community Development.

Mrs. ROUKEMA. Mr. Chairman, I rise today as the ranking member of the Housing Subcommittee to express my concern for the failure of the fiscal year 1991 supplemental appropriation to grant any funding for several new initiatives created in the Cranston-Gonzalez National Affordable Housing Act enacted last year. And I might add, this can and should be done without zeroing out new construction!

Throughout the entire process of the formulation of this legislation, there had been a concerted effort to raise the profile and urgency of housing as a Federal priority and to pass a major housing initiative.

As one of the leaders in the effort to produce a housing bill, I felt S. 566 represented the most significant change in the direction of national housing policy since 1974. The changes enacted ligitimately represented a new horizon for housing. It also represents the first housing conference report that the Banking Committee has been able to bring to the House since 1987.

S. 566 reversed a period of retrenchment in Federal housing attitudes and established a clear direction for national housing policy, including the introduction of several promising housing initiatives.

One of the most significant of these new horizons was the HOME initiative which is intended to provide new innovations and new directions in housing policy which would result in magnified benefits.

HOME would streamline housing assistance and maximize State and local flexibility. As a block grant, this type of assistance would promote homeownership or improve rental assistance by providing States and localities with money to acquire, construct, or rehabilitate real property. All funds would be contingent upon a comparative match from the local entities. Its greatest merit, however, is that it gives wide latitude to meet local needs whether by means of new construction, rehabilitation or rental assistance tailored to local requirements.

The HOME approach begins to move us away from narrow, inflexible, categorical housing programs which, by their very nature, cannot respond adequately to local housing requirements, which vary greatly from region to region. The HOME Program recognizes that what is needed in one section of the country may not be a priority in another, and it encourages local experimentation and innovation which are the genius of our federal system.

As one of the earliest proponents of this concept and coauthor of the Roukema-Rangle House version of the initiative, I felt such a program would provide a bold new approach to meeting the housing needs of our citizens.

HOPE

In addition to the important HOME initiative, one of the cornerstones of this legislation is the emphasis we placed on the principle of homeownership for all. This concept is embodied in title III of the new bill, Secretary Kemp's HOPE proposals.

I did not share the total commitment and dedication to this initiative as the Secretary, and felt that the housing needs of our population would be better served through HOME. Nevertheless, I do believe that public housing residents should have the opportunity to become homeowners although I support a more gradual, than Secretary Kemp's incremental funding of HOPE which would allow the Congress to evaluate its success and to assess its cost effectiveness.

In sum, the renewed commitment to housing embodied in our bill addressed the plight of both the low-income renter and the first-time home buyer. The housing bill was a step in the right direction.

I am distressed to know that the Appropriations Committee is suggesting that they may not be willing to fund these programs in fiscal year 1992. This is wrong-headed and short sighted.

I recognize the committee's problem with the fiscal year 1991 supplemental request. Perhaps I, too, cannot agree to all of HUD's recommendations for the supplemental. And I do not agree with this amendment in the dramatic infusion of funds. A more incremental funding could have been supported. However, I would have hoped that some funds would have been made available for HOME and that the committee would support that initiative.

Mr. Chairman, I want to urge the Appropriations Subcommittee on HUD and VA, not to close the door on HOME, HOPE or Shelter-Plus Care, so early in the process and I urge the subcommittee to provide some funding for these programs which the Housing Subcommittee found to be so important.

Mr. TRAXLER. Mr. Chairman, I yield two minutes to the distinguished gentleman from North Carolina [Mr. PRICE], a member of the Committee on Appropriations and a former member of the Committee on Banking, Finance and Urban Affairs.

Mr. PRICE. Mr. Chairman, I rise today in opposition to the Kolbe amendment. I do so not because I am opposed to the programs contained in the Kolbe amendment; in fact I strongly support these programs, especially the HOME initiative. But this amendment is an ill-timed attempt to shift funds in midstream. It threatens the balance and the explicit agreements reached last year in the Cranston-Gonzalez affordable housing bill.

As a member of the House Banking Committee last year, I worked hard to help create innovative programs that effectively leverage public and private dollars to reverse the decline of home ownership in this country. But I also worked hard to make certain that public housing was put on a more solid basis, by ensuring a greater economic and social mix in public housing. In both these efforts, I was joined by a strong bipartisan group of members and these measures prevailed.

I pushed these amendments because I believe the housing needs in this country require a multifaceted approach. Of course we must expand home ownership opportunities whenever we can, but we must also recognize that this is not an all-sufficient answer. In some areas and for many people, public housing and rental assistance offer the only hope for decent housing.

The bill that was passed by large majorities of both parties last year clearly recognized that fact. It authorized HOME, including my provision for soft second mortgage support which, when funded, will help many people achieve home ownership. But it also recognized the need to selectively expand and improve the supply of public housing. It is this balance we must continue to strive for in next year's appropriation bill, when we can look at these programs in a comprehensive, not piecemeal, fashion.

I urge my colleagues to not make this a partisan issue. It will do us no good. We have Chairman TRAXLER's commitment that he will work to fund these new initiatives. We should take him at his word and work with him to achieve this balance in the fiscal year 1992 VA-HUD appropriations bill.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. NUSSLE].

Mr. NUSSLE. Mr. Chairman, I find myself drawn to the floor to speak in opposition to these supplemental appropriation bills, H.R. 1281 and H.R. 1282.

I am opposed to the precedent set by this legislation. If signed into law, this would be the first application of the provision in last fall's budget agreement which allows dire emergency spending requests to be moved off budget. Because this is the first instance, I believe we must all personally answer some questions that I have been asking around Capitol Hill and back in my district.

First, is every single item in this bill dire emergency or is this a way to circumvent the pay-as-you-go rules and provide for pork barrel items?

In my judgment, the spending contained in these appropriations are not all emergency spending situations. That is not to say that there are not many fine programs within these measures. I could support many of these measures if presented in a responsible manner. But, I cannot support off-budget spending that circumvents my pay-as-you-go principles.

Second, what is the difference between on budget and off budget?

The only difference I can find is that on budget we pay for and off budget is paid for by our children and grandchildren.

Third, when do we pay for off-budget items?

And last, who pays for off-budget items?

I am the proud father of a new baby boy and a beautiful little girl. Are we going to continue to put off paying for off-budget items until they are taxpayers?

This morning I met with the National Young Leaders Council here on the floor of this House. I saw hope in the eyes of these 350 high school students, hope that one day they will be able to take our places here and lead this country. Unfortunately, it we don't take the responsibility of paying for these items, on budget, today, it will be our children—yours and mine, and tomorrow's leaders who will be answering my questions.

If we are willing to support spending then let us be equally willing to support the way we are to pay for that spending and not sweep it under the rug for another day.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I rise first of all to compliment my colleagues, the distinguished gentleman from Virginia [Mr. MORAN] and the distinguished gentleman from Arizona [Mr. KOLBE] for their leadership initiative on this most important and urgent initiative.

I find it somewhat ironic that we address this bill today within the context of a dire emergency supplemental appropriation. As one who comes directly to Congress from the private sector, one who has been very active in the field of housing development and who has served as board president of Habitat for Humanity of Sonoma County, let me say that in my home county I can fully attest to the fact that in fact there is a dire emergency in America today. There is a wide range of unmet housing needs in this country, and it is time that this Congress got on with the job of providing for those needs.

It appears to me that this is not just an appropriations bill. It is a policy bill. In fact, it is an endorsement of a new philosophy and a new direction at HUD and certainly one which I believe will extend to other programs in the administration as well. Now that Secretary Kemp has so ably rooted out the systemic problem of contract fraud at HUD, he is bringing to us a balanced housing opportunity program to meet

the needs of indigent and low-income Americans, including the working poor.

It is a program that provides opportunities across the entire housing spectrum: the Shelter-Plus Program, which acknowledges for the first time that those who are homeless face multiple barriers to finding productive employment and decent shelter in our society. The Shelter-Plus Program would also implement the holistic homeless concept, and the HOME Program would provide funds from the most innovative programs on the local level, programs conducted by local nonprofit builders and local government in a very flexible manner to meet the needs of those local communities in providing permanent low-cost rental and purchased units in communities across America. And lastly there is the HOPE Program, which would allow for the conversion of public housing units to tenant-owned and makes possible for the first time in the history of this country the American dream of home ownership for the working poor who have been living in slums and barrios across the country.

Mr. Chairman, I strongly urge the passage of the Kolbe-Moran amendment here and now today to address the dire emergency of unmet housing needs in this country.

Mr. TRAXLER. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Pennsylvania [Mr. GRAY], a distinguished member of the committee and the distinguished minority whip.

Mr. GRAY. Mr. Chairman, I thank the gentleman for this time.

Mr. Chairman, I would like to join with many of my colleagues who have expressed the desire to reexamine all of the housing programs of our Nation. I come from an urban district where there is an extensive number of public housing units.

□ 1630

I want to join with all Members who are concerned that in the 1990's we have to look at public housing in a new way. I want to commend the Secretary Mr. Kemp, who used to serve with me on the Committee on the Budget and on the Committee on Appropriations, for the programs he is talking about, the $500 million for HOME, and also the HOPE Program that will get tenants involved in management and ownership. Those are ideas that I have been talking about for 20 years, because I was the founder of five nonprofit housing corporations.

We do need to get tenants involved in management. We do need to produce home ownership. Yes, I believe the HOPE Program is the way to go. However, after saying that, the question that I have got to face, coming from a district with literally thousands of public housing units, many of which need rehabilitation, is whether or not I should rob Peter to pay Paul; whether I should take money out of the rehabilitation part in this supplemental and transfer it to a new program, which would mean a delay in some of the housing units that need rehabilitation right now.

Therefore, I would like to urge the chairman of the committee and the committee to include these programs in next year's agenda, because I think they can work, but not to take them out of rehabilitation money and other low-income housing money, because that will not serve the needs of the poor.

I am not tied to a program; I am tied to people. I believe that the Secretary is going the right way. However, I think what we have got to do is not take it out of existing rehabilitation money, but we have to come up with additional resources, which I believe we can do.

So I want to commend the gentleman from Virginia [Mr. MORAN] and also the gentleman from Arizona [Mr. KOLBE] on their efforts here. I support them. However, I think the time and the place is in next year's appropriation bill. Therefore, we would have the additional money, and not take it from the rehabilitation dollars.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY], a member of the Committee on Appropriations.

Mr. DELAY. Mr. Chairman, there are so many arguments here, but it all kind of boils down to two, as I see it. The gentleman that spoke previously from Kentucky, who was saying the administrators from housing projects are opposed to this amendment, of course they are opposed. They want to keep us into housing projects. They want to keep us at status quo. They want to keep housing projects. I will address keeping housing projects in a minute.

To the distinguished whip, the gentleman from Pennsylvania [Mr. GRAY], who says we are taking moneys from rehabilitation, that is not the case at all. The moneys are not coming from rehabilitation, the moneys are coming from new construction. New construction. The moneys, $500 million, are coming from public housing, new construction, leaving still 8,900 units in new construction. And we have a backup, a pipeline, of over 20,000 units to be built. So new construction cannot happen now. They cannot build them fast enough now.

The whole issue that has been argued here right now is that this is too early, that we should not do it now, that we should go through the process. Well, let me tell Members something: if you are for this sort of program, and over 300 Members said you were, because you voted for the authorization of these programs, if you are for these programs, then now is the only time to do it, because the bill that you voted for is only a 2-year authorization. It is only a 2-year authorization. So if you wait for the process to go forward, if you wait to fund this program for 1992, then you might as well say you are against this sort of program, because you are only going to fund 1 year of it. Now you can fund 2 years of it and see it go through. You can see it happen. You can see people empowered with owning their own housing.

Mr. Chairman, vote for the Kolbe-Moran amendment.

Mr. TRAXLER. Mr. Chairman, I yield 1 minute to the distinguished Member from Minnesota [Mr. VENTO], a member of the Committee on Banking, Finance and Urban Affairs.

Mr. VENTO. Mr. Chairman, I rise in strong opposition to this amendment which represents a reversal of the administration's position, an unwillingness to abide by its commitments with regard to the agreements reached during the conference committee on the National Affordable Housing Act of 1990. A conference on which I served in the past Congress.

This request to eradicate currently functioning successful housing programs to initiate funding for untried sound-good programs—arbitrarily or purposefully—was roundly rejected and justifiably rejected by the Appropriations Committee, and indeed, was not supported by over 45 organizations representing the various housing constituencies from the Mortgage Bankers to the National Coalition for the Homeless.

This House would not be responsible if we signed off on the destruction of programs like the Congregate Housing Services Program or public housing development now, when in fact the Banking, Finance and Urban Affairs Committee purposefully maintained these programs in the comprehensive bill passed and signed into law just 3 short months ago.

This amendment is apparently just the start of the dog-eat-dog activity that may prevail in this House if we accept such logic. I would ask that my colleagues look deeper than the surface language presented here. For example, the Congregate Housing Services Program does end in 1992. What is not mentioned, is that the National Affordable Housing Act actually expanded this program that currently assists thousands of seniors in over 30 States across the country to all federally assisted housing and that the new authorization is in place through fiscal year 1992. What is not mentioned is that this is effectively spiriting away these funds, leaving seniors without such services and with the real prospect of forcing them into more expensive care and nursing home care facilities for the frail elderly. All the programs that the Kolbe amendment de-

funds are authorized most in the same Housing Act that was passed in 1990.

So I ask my colleagues to look at this amendment for what it is—basically a reneging on agreements between this Congress and the administration and between this Congress and people being served by the programs the administration chooses to cut midstream. These new programs, HOPE, HOME, and Shelter Plus, will have an opportunity to receive funding based on their merits in the 1992 appropriations process. The real problem is that the administration is suggesting that we not expand the size of the resources available, but simply rob from Peter to pay Paul.

Surely when Congress reauthorized and authorized new programs, we are endorsing the existing programs and some different approaches. We expected that more dollars would be available, not a short changing of housing overall that is even providing less for housing. At the very least we expected an orderly transition of funding rather than a slam dunk of programs that affect low income housing needs, and people.

Mr. Chairman, I urge my colleagues to vote "no" on the Kolbe-Moran amendment.

Mr. KOLBE. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I want to clear up this notion of us cutting rehabilitation monies. We are not cutting rehabilitation moneys. The $500 million that is coming from public housing new construction is new construction because, under the National Affordable Housing Act, you can continue, if the States choose, to continue with the rehabilitation. They will have moneys for rehabilitation. So we are not taking moneys from rehabilitation, we are taking moneys from construction that cannot possibly be spent right now.

Mr. TRAXLER. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in opposition to the Kolbe-Moran amendment. I rise in opposition, first of all, because I think we should respect the work of the Committee on Appropriations. Our esteemed chairman, the gentleman from Michigan [Mr. TRAXLER], has given considerable thought and put many hours into trying to allocate the meager resources of the Committee on Appropriations to the programs that are needed in this country.

Mr. Chairman, we cannot fund everything. We must not rob Peter to pay Paul. We must not undo the existing programs for these new ideas that are untried and untrue.

Mr. Chairman, I know Mr. Jack Kemp. He is a friend of mine. I have the highest respect for some of his ideas and his desire to revolutionize the way we deal with housing for the poor. However, I was not here for the debate and the vote on the comprehensive housing bill. I would have tried to create more debate, especially about the HOPE program.

In my district I have over eight public housing developments. Some of them you have heard about in the news. Those public housing developments are not ready for home ownership. Mr. Kemp knows this. Many Members who have experienced public housing developments know that people are not prepared to own those units.

Mr. Chairman, I would ask Members to vote no on this amendment, even if they are prepared to support it at a later date. This is not the time.

Mr. KOLBE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the amendment. Last year we passed a remarkable housing bill. It allows creative responses to today's problems.

All this bill does is to recognize the astounding leadership of Jack Kemp. He wrote the regulations fast. We ought to reward that kind of leadership, because this gives us the opportunity to take construction money that could not be spent, construction money that would go for very high costs, because we know the costs of building are very high today, and reuses that money to provide many, many more units.

Mr. Chairman, this is not robbing Peter to pay Paul; this is robbing Peter to pay Paul, all his brothers and sisters, all his aunts and uncles, and all his cousins and nieces. In my district this would allow sweat equity projects, that with a very little bit of money and people's own labor, we can create. We can rehabilitate housing for low affordable rents and ownership.

□ 1640

It is fantastic how much better we can spend the construction money and create tens of thousands of more units than we could create through new construction.

The time is now. Let us not let another day pass. Set new priorities like we did in the housing bill. Honor good executive branch leadership that wrote the regulations in a hurry. Let us carry through on the policies that we set last year. Let us recognize Jack's leadership, and let us get on with it so that we have a year and a half to look at when we come back rather than just a few months.

The CHAIRMAN. The gentleman from Arizona [Mr. KOLBE] has 4 minutes remaining, and the gentleman from Michigan [Mr. TRAXLER] has 4 minutes remaining. The gentleman from Michigan has the right to close debate.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DREIER], a member of the authorizing committee and the Housing Subcommittee.

Mr. DREIER of California. Mr. Chairman, it was the day before Saddam Hussein invaded Kuwait that this House passed the authorizing bill last summer, and in that bill we had this great compromise. And just in the last several hours, at this moment, the Rules Committee is continuing to debate the RTC funding measure where there is a great deal of dissension among members of the Committee on Banking, Finance and Urban Affairs. That August 1 agreement saw the distinguished chairman of the Appropriations Subcommittee on Housing indicate that if we were to have the regulations put forward from the Department of Housing and Urban Development that yes, we would proceed with funding for the HOPE Program, the HOME Block Grant Program, the Shelter Plus Program. We acknowledged through our authorization that it will play a major role in expanding the opportunities for us to meet that important goal of ensuring opportunities for those who are less advantaged than we.

That agreement was made. Some say this is a dire emergency supplemental and for that reason it should not be incorporated in here.

Mr. Chairman, we know full well that this will not cost an additional nickel. This is simply a transfer from those old, outdated, wasteful programs of the past to the kind of creative approach that President Bush was talking about as he stood right here last night. Let us not take this domestic reform agenda that the President desperately wants us to implement and, at the first chance to address it, the day after his speech, throw down the drain that great opportunity.

I am convinced that the chance to help those in need is before us. I hope that we will join in passage of this amendment.

Mr. TRAXLER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, as a member of the housing subcommittee, I rise today in adamant opposition to this amendment and would urge my colleagues not to support it.

We agreed last year that programs such as urban homesteading and Nehemiah would be phased out, but not until some later date. The Kolbe amendment to the supplemental, however, proposes to phase these programs out prior to that date.

Someone said earlier this is not new construction, this is rehab and vice versa. I do not care where it comes from. It is taking money that has been appropriated to help people out of one category and sticking it another. It is not really a commitment. So this can-

not be a situation of robbing Peter to pay Paul. This cannot be a shell game where through a sleight of hand we are going to do something mysterious.

If we are serious about housing in this country, we will start doing it with leadership and appropriating the moneys that ought to be appropriated. And we do not just need HOME and HOPE, we need help and we need help now on this issue by those Members who have expressed a desire to help the people of this country to own homes.

Mr. TRAXLER. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from Missouri [Ms. HORN].

Ms. HORN. Mr. Chairman, I speak not as a member of the Housing Committee or the Appropriations Committee, but as someone who has worked in public housing and with community block grant funds and low-income housing for many years. I worked for the St. Louis Housing Authority.

Let me just bring to everyone's attention one fact that has not come out during this debate. What we are doing is not only taking from one program and putting to another, regardless of what programs, but what happens when these kinds of programs are affected is the very lowest income people are hurt. What happened in St. Louis is that the very lowest income people were forced out of public housing, and people live in public housing that now is tenant managed and who have more money and who can afford to do that.

Mr. TRAXLER. Mr. Chairman, I reserve the balance of our time to close debate.

Mr. KOLBE. Mr. Chairman, for purposes of closing our debate, I yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH], the minority whip.

The CHAIRMAN. The gentleman from Georgia [Mr. GINGRICH] is recognized for 2 minutes.

Mr. GINGRICH. Mr. Chairman, let me say I strongly urge a "yes" vote for this amendment. I would ask those who intend to vote "no" to really search their conscience.

It does not do a lot of good to have Secretary Kemp go across the country, arouse hope, encourage people to believe they are going to have greater control over their lives, encourage local communities to believe they are going to have greater opportunity, and then have the Congress strangle the program.

Let me just address two concerns. First of all in rehabilitation. There is $2.5 billion in the budget for rehabilitation. Rehabilitation is not the issue here. The $500 million from construction would go to local option, and consider what the people who are against the amendment are saying. They are saying that they do not trust the local communities to decide which program works best. They are saying on the one hand that we in the House have decided what you will do, and we do not trust you to decide whether or not what we have told you to do is good enough.

All Secretary Kemp has been asking for is permission to allow the local communities to choose between construction, rehabilitation and vouchers.

We had the gentlewoman from Missouri who just rose, and she is from St. Louis, Bertha Gilkey of St. Louis is in many ways the mother of the whole proposition of tenant ownership and tenant management.

The fact is this is a fight between the bureaucracies of the housing authority and the people who live in public housing, and I think it would be tragic for this House today to say to Secretary Kemp: You can make all of the speeches you want, but we are going to strangle your program so it has no reality in the real world.

I urge everyone to give this new approach and this new program some hope. Give it a chance to be tried out. Do not kill it here on the floor of the House.

How can Members turn the President down when last night he came here and said please, give us a chance to be as effective here at home as we have been overseas?

I urge Members to vote "yes."

PREFERENTIAL MOTION OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. BARTLETT moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Texas [Mr. BARTLETT] is recognized for 5 minutes.

Mr. BARTLETT. Mr. Chairman, I take this extraordinarily privileged motion and apologize to my colleagues for doing so. This will be the last time I speak in the well of the House, and I was detained for a few moments for closing arguments.

I leave the House this evening. My resignation will be effective on Monday. And I leave on this amendment in many ways as I began withmany of you 8½ years ago advocating a housing policy that would directly empower individuals and families to obtain better housing, safer housing and housing in which individuals are allowed to make their own choices.

Housing policies have changed in the 1990's, and this is one of those changes. It seems to me on the amendment that was before the House that the choice is clear, a choice between the old status quo of involving only 6,800 units that may be built 5 years from now versus assisting directly some 37,000 families, effective immediately, assisting those families to live where they want to live, to live in better conditions, in garden apartments or high rises or single family homes, or live in those ways in which they choose in desegregated, better, more choices and with home ownership opportunities.

□ 1650

I want to say to my colleagues as I leave the well that I feel some enormous gratitude for each one of you for the opportunity to have served with you in the last 8½ years.

It has been well reported that I plan to seek the mayor's job in Dallas and to implement many of the policies that you and I have talked about and worked on legislatively together in the last 8½ years.

I have an enormous amount of respect for every Member here, for the ability that this body has to form coalitions, to develop consensus of legislation in public policies as we move forward to try to empower people to control their own lives. I have a great deal of respect for the center aisle, but I have to say that that center aisle is not a barrier, and it should not be treated as a barrier. The center aisle between Republican and Democrat is a walkway. It is an opportunity to build that coalition.

I appreciate the support and the opportunity from my constituents, from a network of people all over the Nation who have volunteered information and assistance to me in developing this legislation, and I must say, to my own congressional staff, one of the most productive and professional staffs I have ever seen.

Mr. Chairman, as I leave, I would leave on a note that was given to me in terms of a lesson for Members of Congress by John Erlenborn, who had been in Congress for some 18 years before I got here. He sat down when I first got here and gave me a lesson which I have never forgotten. Succinctly, it would say get there early and stay late, do your homework, know more about the subject than anyone else, follow the rules including the written rules and the rules of courtesy and decency, and then if you believe you are right, never, ever, ever give up, and you can make a difference.

I thank each one of you for letting me be here to make that kind of a difference with you.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I am happy to yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, may I say to the gentleman that in the course of these last several years, it has been a pleasure to have been associated with him, and that his arguments and his presentations have always been on the very highest level. He has raised the level of debate in this institution significantly, and whatever the future may hold for him, I wish to extend him on behalf of my side of the aisle the very best wishes.

Mr. BARTLETT. I thank the gentleman for his kind words and his, also, high level of debate.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I am happy to yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I want my friend and colleague to know that he will be sorely missed in this House, as a Member who has added to the debate no matter which side he was on. Let me say if you were debating an issue in the well of the House, you always wanted the gentleman from Texas to be an ally, because he did know his subject. He did work through the complicated issues. He was always trying to form coalitions and hit the center.

We wish the gentleman all the success. We know he will be running a great city. We wish him great success.

We will sorely miss your presence.

Mr. GREEN of New York. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I am happy to yield to the gentleman from New York.

Mr. GREEN of New York. Mr. Chairman, I want to join my colleagues in wishing our friend all the best. I have had occasions when I have been debating on the same side as my colleague. Thus, I shall always remember his successful efforts to allow market forces to set FHA interest rates instead of having them set by administrative fiat which never worked, when I joined him in that effort.

We have been on opposite sides, too, as we are today, but the gentleman in the well has always been a gentleman and has always worked hard, and it has always been great to join the debate with him whether on the same side or on different sides. I wish him well.

Mr. BARTLETT. I thank the gentleman.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I am happy to yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, it is not often that a gentleman gets to stand down there and take compliments for himself. But I also want to join with my colleagues in saying how much we are going to miss you. You have been one of my good friends, truly one of my closest friends in the House of Representatives, and a great deal of what I have learned in this body I learned from the gentleman: Courtesy, working to forge coalitions, finding solutions that are compromises and working with others.

We wish the gentleman well.

Mr. BARTLETT. I thank the gentleman.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I am happy to yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I would like to commend the gentleman from Texas who, as he well knows, has agreed with me about as often with my particular philosophy, about as often as I have agreed with him, very rarely. But I can truly say he has been a gentleman. He has, indeed, raised the level of debate. He has always had a kind heart. He has known his issues. He is well-intentioned. I am sure that he is going to be an excellent product for the races and events he is going to face in this future, and certainly all of us here who have worked with him wish him nothing but the best in the future.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman.

The secret of good public policy is to build those coalitions, to respect the views and the diversity of views, from all parts of this body and all parts of the country.

I thank those who have spoken.

The CHAIRMAN. Does the gentleman from Michigan [Mr. TRAXLER] seek 5 minutes to speak in opposition to the preferential motion?

Mr. TRAXLER. Mr. Chairman, I do.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. FRANK], a member of the Committee on Banking, Finance and Urban Affairs.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I share in the plaudits to the gentleman from Texas who is very often perceptive, and the exception of today should not ruin his record.

I agree with him that the center aisle should be a walkway. I just do not want it to be a one-way street. This amendment today is kind of a one-way deal.

I do think that when we get to a full year in 1992, the HOPE Program should get some funding, and I will work on that, but to do it now in this way would be a very great mistake.

People ought to wonder that if this is such an empowerment of tenants why so few tenants are demanding to be empowered. This is not something that has had their overwhelming support.

In fact, those who want to sell public housing today ought to be very glad that there was nobody like them years ago that kept public housing from being built in the first place so they would have it to sell to anybody. What we are trying to do is keep a stream going. Yes, we want choices, but saying that we will not again build any or, and this is very important, acquire any, is a mistake.

We are now in a real estate slump in much of the country. The Committee on Appropriations bill tracking the Committee on Banking, Finance and Urban Affairs bill this House passed would empower authorities not simply to have new construction but to buy units. There are great buys out there now. It is not a case of waiting 5 years.

If we pass this amendment, we debar housing authorities all over the country, and local entities all over the country, from being able to go into one of the great bargain markets, buying some very good housing, cheap housing, housing that is vacant, housing that banks would like to get rid of, housing that realtors would like to see taken off the overhang. This is not the time to tell the housing authorities of this country not to acquire any housing.

When we get to 1992, yes, I would like to see some housing sold, and I would like to see some of that housing replaced so we do not have it all dwindle away.

The right way to deal with this very new program by funding it is not in a supplemental but to give it the serious consideration with all the safeguards that we can, and to pass the amendment now and to remove from housing authorities all over this country the right to acquire additional housing at a time when we can get bargains and the real estate market could use that infusion would be a mistake.

Mr. TRAXLER. Mr. Chairman, would the Chair tell me how much of the 5 minutes remains?

The CHAIRMAN. There are 2 minutes remaining of the gentleman's 5 minutes, and 2 minutes remaining of his regular time.

Mr. TRAXLER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Missouri [Ms. HORN].

Ms. HORN. Mr. Chairman, I found out how short a time 30 seconds is.

Mr. Chairman, in the 1930's, this great country of ours made a commitment for safe and decent housing for all persons. Funding since then has very sporadic and inadequate in various ways.

In the last decade, funding has been terrifically slashed. We have authorized money which we have not approved. We have appropriated money that was not spent.

I just want to again, in these few seconds that remain to me, to remind everyone what we are doing, We are allowing those who are the lower middle income people, higher poor people, to own the housing at the expense of those who most need it who have the greatest needs, and the least ability to be able to own or take care of a home, if they own one, and the least ability to be able to fix it up, furnish it, go out and make any of those repairs.

The funding for all of these programs is inadequate.

I support those who would look to the next funding year to put more funds into all of these programs.

Mr. TRAXLER. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I will not speak to the substance of the privileged motion.

I will take this time, however, to come before the body and to wish my friend, the gentleman from Texas, well in his endeavors. We have served well together on the Committee on Banking, Finance and Urban Affairs. We have not always agreed, but we have always had the concern of housing and the concern of people who live in that housing as paramount.

□ 1700

It has been a privilege serving here. I try to bring to this well the same kind of pride and passion that I learned from Sil Conte when it comes to waging a debate. It has been good over these last 5 years serving with the gentleman from Texas [Mr. BARTLETT] on both sides of the debate, and I wish him well in his endeavor.

Mr. BARTLETT. Will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Texas.

Mr. BARTLETT. I have a great deal of admiration for the gentleman in the well and have enjoyed serving with him.

Mr. Chairman, I ask unanimous consent to withdraw my preferential motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas.

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. TRAXLER] is recognized for 2½ minutes for the purpose of closing debate.

Mr. TRAXLER. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from New York [Mr. GREEN], the ranking minority member of the subcommittee.

Mr. GREEN of New York. Mr. Chairman, first let me get some facts straight. We are talking about rescinding rehabilitation money. The fact of the matter is that since the fiscal year 1987 appropriation bill of this subcommittee, public housing development funds that we have appropriated are indeed available for substantial rehabilitation as well as for new construction. Though this subcommittee did fund a substantial modernization appropriation, $2.5 billion—and that sounds like a lot until we learn that there is about a $20 billion backlog of rehabilitation to be done in public housing—when you know that $2.5 billion does not sound like quite so much.

The rescissions in this amendment would also rescind the rental rehabiliation grants, the rehabilitation loan fund and urban homesteading, all of which are rehabilitation programs.

Mr. Chairman, as I close debate, I should like to return to the point that I made before. The distinguished minority whip told Members that we should trust the local communities. He gave that as the reason for voting for the amendment. I give it as the reason for voting against the amendment, because all the local communities are telling Members that they want more time to get their acts together in order to run these programs right. That is why the National Association of Counties is opposing this amendment, the National League of Cities, the Conference of Mayors. The other players who have to make these programs function are also asking more time, including to home builders, the realtors, the mortgage bankers, the people who have to be sponsors like senior citizen organizations in the person of the National Council of Senior Citizens. They are opposing this amendment. They are not ready to go under the new program.

Mr. Chairman, the basic problem we face is that we have a situation where Jack Kemp, the quarterback, has dropped back in the pocket, he has the ball and he is ready to throw it down field. The only problem is that the people who have to be down field to catch it, the cities, the counties, the nonprofit groups, are not there to make the catch. They are still on the sidelines saying "Teach me the plays before you ask me to execute them. It just does not make a lot of sense to start these programs off on the wrong foot by trying to force feed them when the people who have the big responsibilities under these programs, the State governments, the local governments, the nonprofit organizations, are not ready to handle them. It just makes no sense to move these programs before the people who have to catch that ball are out there ready to catch it. When they are out there ready to catch it, and I know they will be soon, we shall be ready to see that the Secretary has the ball to throw them.

Ms. PELOSI. Mr. Chairman, I rise today in opposition to the Kolbe amendment, which violates an agreement made last year between Congress and the administration during the consideration and passage of the Cranston-Gonzalez National Affordable Housing Act.

Last year, as a member of the authorizing committee, I was party to the discussions which ended in an agreement by the administration and Congress to support both public housing construction and the Secretary's HOPE Program. This year, as a member of the Appropriations Committee, I am disappointed to see that the administration's first housing-related action is a violation of the carefully crafted agreement which has part of the accord facilitating the passage of last year's housing bill.

I would like to express my further disappointment in the administration's approach to housing in general. Last night, as the President publicly announced his domestic agenda, the major issues of health and housing were conspicuously absent from his list. Now, with today's amendment, we see that he is more interested in maneuvering on his political agenda than he is on truly addressing the housing needs of the people of this Nation.

We all agree that every effort must and should be made to empower low- and moderate-income Americans. Everyone should have a chance to fulfill his or her own American dream, through education, through civil rights, through access to health care, through access to decent and affordable housing.

Like gimmicks contained in the President's fiscal year 1992 budget, however, the Kolbe amendment would make programmatic changes at the expense of already much needed programs. At a time when we are already facing a serious shortage in the stock of affordable housing, it makes no sense to take money away from a fund to construct new public housing. These housing units remain in the housing stock. What the administration proposes as an alternative to public housing, for those who opt not to purchase, is a soft, short-term subsidy, which they could effectively defund at any time.

The administration argues that new housing construction takes 4½ years to be developed, while their proposal would have more immediate effects. However, this argument ignores that cutting public housing construction also cuts money for the rehabilitation of existing units. The San Francisco Housing Authority informs me that rehabilitation funding provided through public housing construction, the major reconstruction of obsolete projects program, is one of the only mechanisms for the major rehabilitation of dilapidated housing.

Many of our public housing units are vacant. In fact, a HUD-commissioned study found that there is 18 to 22 billion dollars' worth of repair work necessary to bring public housing units nationwide up to standards. Why is the administration proposing to cut a program which facilitates not only construction, but also needed reconstruction and rehabilitation of already existing public housing? Isn't it more efficient and less expensive to encourage repair?

Mr. Chairman, Secretary Kemp and the administration had a congressional commitment for serious consideration of their funding request for home and hope for fiscal year 1992. There are indeed some aspects of their proposals which, when combined with our already proven housing programs, make sense. It does not make sense, however, to implement the recissions proposed in the Kolbe amendment. This amendment violates the spirit of the agreement developed last year. It also signals that the administration is continuing politics as usual at the expense of really placing housing on the domestic agenda, where it belongs. I urge my colleagues to oppose the Kolbe amendment.

Mr. FRANKS of Connecticut. Mr. Chairman I rise in strong support of the Moran-Kolbe amendment to H.R. 1281, a budget neutral amendment which will begin the long anticipated process of making home ownership for America's neediest families—a national priority.

I have long admired and supported Secretary Kemp's novel and businesslike initiatives, both while he was a distinguished Member of this body and as a dynamic visionary HUD Secretary.

It is high time we begin to put resources into programs that are successful, dollars where they work, and we begin to reward programs that are tried and proven—programs on the local level, programs that will help families in our cities and towns break the cycle of poverty. We have learned many lessons from the past.

Perhaps, the most valuable lesson is that public/private partnerships that focus on individual initiative, and restoring dignity and responsibility to the poor—work.

I believe in Project HOPE, I believe in the theme of empowerment, which this amendment embodies and supports.

As a local legislator, I have worked with nonprofit housing partnerships, in conjunction with the State and local governments and private sector forces.

We have built quality structures at below market rates, in blighted city neighborhoods, that have stood as anchors of stability and restored neighborhood pride—and most importantly given decent, American families a start at a new, dignified life.

The facts speak for themselves: Public housing is already experiencing a 27,000-unit backlog, new construction of public housing takes up to 5 years to complete and costs twice as much as other forms of housing assistance, and there are nearly 100,000 units of vacant public housing.

The days of warehousing our poor in large, impersonal projects is over.

I believe that it is time to put to work those most willing and capable of getting the job done right—our States, our cities, the nonprofit sector and resident management groups. It is time to act with immediacy—it is time to put Federal dollars to work at the local level.

We need new approaches, we need the courage to back new initiatives and I firmly believe that we need this amendment to begin to fight a real war on poverty. We can take valuable Federal resources and attack the root causes of the problems we see everyday on our streets and in our inner city neighborhoods.

This three-pronged concept of funding the HOME Housing Block Grant Program to expand housing assistance, coupled with Project HOPE to promote home ownership for low-income residents and the Shelter Plus Care Program will begin to end the institutionalization of human beings that deserve better.

This holistic approach puts real weight behind the themes of empowerment and opportunity and I believe gives up a tangible goals to reach for and achieve.

This funding is integral, and I want to thank both the honorable gentlemen; Congressmen MORAN and KOLBE for offering this important amendment.

I urge my colleagues to support home ownership and opportunity for people everywhere and vote in favor of this amendment.

The CHAIRMAN. All time under the rule for this debate has expired.

The question is on the amendment offered by the gentleman from Arizona [Mr. KOLBE]

The question was taken; the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KOLBE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 177, noes 240, not voting 16, as follows:

[Roll No. 33]

AYES—177

Allard
Andrews (NJ)
Annunzio
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clement
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Early
Edwards (OK)
Emerson
English
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Huckaby
Hunter
Hyde
Inhofe
James
Johnson (CT)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
Martinez
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Miller (WA)
Molinari
Moorhead
Moran
Morrison
Murphy
Myers
Nichols
Nussle
Oxley
Packard
Pallone
Paxon
Payne (VA)
Penny
Petri
Porter
Pursell
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Santorum
Saxton
Schaefer
Schiff
Schulze
Shaw
Shays
Shuster
Sisisky
Skeen
Slattery
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—240

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Edwards (TX)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gray
Green
Guarini
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Long
Lowey (NY)
Luken
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Morella
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Orton
Owens (NY)
Owens (UT)
Panetta
Parker
Patterson
Payne (NJ)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Roukema
Rowland
Russo
Sabo
Sanders
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Tanner
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—16

Crane
Donnelly
Ford (TN)
Ireland
Levine (CA)
Lloyd
Madigan
Michel
Miller (OH)
Ortiz
Roybal
Sangmeister
Sensenbrenner
Udall
Weiss
Wilson

□ 1723

The Clerk announced the following pair:

On this vote:

Mr. Ireland for, with Mr. Weiss against.

Mr. KANJORSKI and Mr. GUARINI changed their vote from "aye" to "no."

Messrs. CALLAHAN, HAYES of Louisiana, MORRISON, ENGLISH, and RINALDO changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. CHANDLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I note with approval the inclusion of $200 million in this bill to assist States in handling the increased workload in processing unemployment insurance benefit claims.

Mr. Chairman, it is imperative that workers who have lost their jobs, through no fault of their own, are provided with a helping hand while they strive to reenter the work force.

I am particularly concerned that this assistance be made available, without delay, to displaced workers struggling to provide for their families.

I am hopeful that the current system for projecting unemployment and appropriating the necessary administrative funds can be improved so that we might avoid an annual shortfall of this magnitude and the need to revisit this recurring problem.

In the meantime, I wish to compliment the efforts of Washington State Employment Security Commissioner Vernon Stoner—and those of his agency—in responding to the needs of Washington's displaced workers despite a $4 million shortfall in administrative funds.

The challenge confronting us in my home State of Washington is made even more difficult by the mounting loss of timber-related jobs—jobs lost to a reduced timber supply on the one hand and a slugglish home construction industry on the other.

As we in Congress work on a solution to regional unemployment problems, such as ours in the Pacific Northwest, and look forward to a strengthening economy nationally, I am thankful for the unemployment insurance program and the assistance it offers those most severely effected: displaced workers and their families.

Mr. BILIRAKIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to state my support for the $25 million to combat infant mortality.

Mr. Chairman, as cochairman of the Congressional Sun Belt Caucus Infant Mortality Task Force and a new member of the Select Committee on Children, Youth and Families, I strongly support the infant mortality initiative contained within the legislation before us today.

The appropriations bill allocates $25 million in new money and it is anticipated that Federal funding for community and migrant health centers will remain untouched in 1991 and that funds from those programs will not be jeopardized.

The proposal also recognizes that infant mortality is just as serious in rural areas as it is in urban areas. Last year, members of the Infant Mortality Task Force met with Health and Human Services Secretary Louis Sullivan to discuss the problems in the southern region where infant mortality statistics are higher than any other region of the country. I have been pleased with the deep interest the administration and the House have taken in lowering our Nation's infant mortality rates, however, targeting 10 areas with high occurrence of infant mortality is only the tip of the iceberg.

Proposals as the one before us today are a good start but we must learn from these initiatives and use the knowledge gained to reach out to all areas that are suffering from high infant mortality.

Although there are areas in this supplemental that I disagree with, I support this funding for innocent young infants with problems not of their own making.

Mr. VENTO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to register my support for the $46 million supplemental funds for the Veterans' Administration.

Mr. Chairman, I am pleased that this legislation includes $46 million in supplemental funds for veterans medical care. The Department of Veterans Affairs has indicated that these additional funds would be used for dental care for new veterans, readjustment counseling, the establishment of eight post-traumatic stress disorder treatment units, and to cover replacement costs for VA staff employees who may have been reservists or National Guard members who were deployed to the Persian Gulf as part of Operation Desert Storm.

The coverage of replacement costs for VA medical and support staff who have been deployed to the Middle East is an especially important priority given the fact that many VA medical facilities, including the new VA hospital in the Twin Cities, are understaffed. This problem has led VA hospitals and clinics to turn away some prospective patients whose medical problems or disabilities are not service connected. There simply are not enough doctors, nurses, radiologists, physical therapists, dieticians, and other health care professionals to properly meet the demands placed upon them within the VA medical system. This problem is going to demand more of our attention in the future as our aging population of World War II and Korean war veterans require more medical care in future years.

The CHAIRMAN. Are there any further amendments to title II of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. Section 332 of the Department of Transportation and Related Agencies Appropriations Act, 1991 is amended to delete the period at the end of the section and insert in lieu thereof the following: *Provided further*, That for the purposes of this section, funds appropriated in this Act may be used to initiate a multiyear contract for the Medium Range Recovery Helicopter (HH-60J) program.

SEC. 303. Notwithstanding any other provision of law, no funds shall be expended by the Secretary of Labor to implement or administer the regulations published at 54 Federal Register 4234-44 (January 27, 1989) to be codified at 1.7(d), 5.2(n)(4), 5.5(a)(1)(ii)(A) and 5.5(a)(4)(iv) of title 29 of the Code of Federal Regulations or to implement or administer any other regulation that would have the same or similar effect. No funds shall be expended by the Secretary of Labor to implement or administer revisions to part 29 of title 29 of the Code of Federal Regulations published at 55 Federal Register 34868-34876 (August 24, 1990) to the extent such revisions affect apprenticeship programs in the construction industry.

AMENDMENT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STENHOLM: page 33, strike out lines 6 through 19.

Mr. STENHOLM. Mr. Chairman, the first point I would like to make is I apologize to my colleagues for being here today; we should not be here. We should not be here taking the House's time at this particular moment.

You know, it is rather ironic because over the last 8 years I have been in this well time and time and time again asking and trying to reform the Davis-Bacon Act. We tried to do it on appropriations bills, and we have been held out of order becasue you should not legislate on appropriations bills. We have constantly held to that rule, at least the House has held me to that rule. But now we find that in an appropriations bill the Committee on Appropriations is legislating in an appropriations bill. They should not be doing that.

A little history of why we are here: In September 1982 there was an effort made to change the rules and regulations as they pertain to helpers in Federal contracts. There was an injunction filed in 1982 against this action, and it was held up in the courts until just recently when a judge finally made the proper decision in saying this should not be stopped, that the Department of Labor should be allowed to do as the Davis-Bacon Act, which was passed in 1931 and has not been amended by that body since 1935, that the Department of Labor should be able to promulgate regulations to administer the act as it was originally intended in 1931.

Now, lo and behold, we look at the appropriation bill and we find language that has been inserted that says, "No, the Department of Labor may not do that which the Davis-Bacon Act allows them to do."

□ 1730

Now the House is going to get a chance to vote on this. I do not want to take a lot of time because we ought not to be discussing this on an appropriation bill. I agree with the chairman and others who have constantly begged us not to do it, but, when members of the appropriation bill do it, then we got to take a little time.

Now we are talking money today, folks. We are talking real dollars. If this amendment is allowed to stand, or if I lose on this amendment, it will cost us $600 million a year every year for the next umpteen years, as it has been costing us in the past. That is the bottom line.

Mr. Chairman, I ask my colleagues to support my amendment. Do as we have constantly said, and maybe we will get a little honesty from all of us. Let us not legislate on appropriation bills. Let us allow the Department of Labor to do the job they are supposed to do. Let us allow the consultation that has been going on between labor and the Department of Labor that is this close to an agreement. Let us allow that to happen.

Please join me in striking this. Support my amendment today that strikes this. It will save $600 million a year for the next however many years until we bring this up. And to the appropriate committee, the Committee on Education and Labor, I say, "Please bring a bill out on the floor of the House soon so we may deal with this legislation in the proper way."

Mr. WASHINGTON. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Texas.

Mr. WASHINGTON. Mr. Chairman, I thank the gentleman from Texas [Mr. STENHOLM], my colleague, for yielding.

I was looking at the merits of this. I am not on the Committee on Appropriations, so I am not here speaking on the procedure by which the gentleman makes the complaint about it being there, however the provision which he wants to strike, I think I am not sure if he realizes it does violence to some fledgling programs we have down in Texas by which individuals who otherwise would not be able to get apprenticeship training have been able to do it, and get training and move up to help with jobs that help our Federal responsive projects, and, if I understand his amendment correctly, if this motion to strike is adopted, then the DOE regulation, the Department of Labor regulation, go into effect, and that would prevent that from happening.

Is that right?

Mr. STENHOLM. The gentleman from Texas [Mr. WASHINGTON] is not correct, and this is one of the basic points of disagreement between some other information that is floating around. I am talking about letting the Department of Labor process continue on. I am talking about letting them promulgate the regulations. Nothing has been done as yet. What we are saying is, "Let the process of the law, as it was intended in 1931, proceed. Let the regulations be written. If it turns out that it is as negative as my colleagues suggest that it is, I suggest then that the committtee bring legislation back to the floor and correct it legally and legislatively on this floor."

Mr. Chairman, it is not the intent of this author to do harm to any State rules and regulations. I have never intended that, and that is not the intent of my amendment.

The CHAIRMAN. The time of the gentleman from Texas [Mr. STENHOLM] has expired.

(By unanimous consent, Mr. STENHOLM was allowed to proceed for 1 additional minute.)

Mr. WASHINGTON. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Texas.

Mr. WASHINGTON. Mr. Chairman, I want to make sure I have this straight now.

As I understand, unless this amendment stays in, the Department of Labor regulation that has already been promulgated and already been printed in the Code of Federal Regulations will go into effect, and the only way to prevent that is by this provision of section 304.

Am I incorrect?

Mr. STENHOLM. If in fact it has absolutely totally been determined that these regulations, which it is my understanding they have not been finally decided, it is my understanding that it is still in the negotiating stages, and we are not nearly as far apart as it is being suggested today. If my amendment should lose, I can guarantee my colleagues, based on this language, that nothing will happen regarding Davis-Bacon, and we will spend $600 million more this year in this area than we would have if my amendment passes.

Mr. WASHINGTON. Mr. Chairman, I thank the gentleman from Texas [Mr. STENHOLM] for yielding.

Mr. PETRI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be brief, but I would just like to say that, as the ranking member of the Labor Standards Subcommittee of the Committee on Education and Labor, that I oppose the Committee on Appropriations essentially legislating within the Committee on Education and Labor's jurisdiction. This dire emergency supplemental appropriation bill is not the appropriate vehicle for reversing regulatory policy, and, furthermore, the Labor Standards Subcommittee has not held any hearings on this issue, and to my knowledge this provision was adopted without consulting the chairman of the Labor Standards Subcommittee. I think this is an important policy issue here in this House of Representatives, especially for those of us who do serve on authorizing committees, and, if we do feel that we want an opportunity to do our job, we should be allowed the opportunity to do that rather than see the Committee on Appropriations usurp jurisdiction allegedly because there is some last-minute emergency.

Mr. Chairman, there is in fact not an emergency in this case. Labor unions, members of the Labor Department, have been working and have reached agreement on many of the issues that are supposed to be dealt with by this amendment, and, if they do not reach agreement and there is a problem, why we will have plenty of time to deal with it and in an appropriate fashion in the committee of jurisdiction.

So, I ask my colleagues to support the amendment of the gentleman from Texas [Mr. STENHOLM] so that we can practice good government here in the House and preserve the jurisdiction of the authorizing committee, the Committee on Education and Labor, and other authorizing committees in this body.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentleman from Texas [Mr. STENHOLM]. I rise as the ranking member on the House Committee on Armed Services that has fought for years to try to let defense dollars go for defense purposes, which this would tend to do.

While we tend to, in the past have tended to, decrease defense spending, what I am trying to do is say that those dollars that are intended for defense purposes should go for defense purposes.

This amendment would save $600 million a year out of the defense budget. It will in fact be in favor of increased Federal contracting opportunities for small and minority business and in favor of allowing the Department of Labor to do, by regulation, what the courts have said for 5 years that it has the power to do in administering its own rules.

In rising in support of all these things, Mr. Chairman, I am asking my colleagues to strike out a portion of this supplemental appropriation that ought not to have been inserted in the first place. It has no business here.

Now some of our colleagues have expressed doubts that this domestic supplemental appropriation really is an emergency bill, and there are portions of it that should not be considered as emergency. But without a doubt the provisions in the Department of Labor's implementation of its final Davis-Bacon helper regulation does not belong on this floor today.

This provision is no emergency—except to the handful of large contractors and their work forces who specialize in following Davis-Bacon contracts around the country.

This provision is no emergency—except to the privileged few who benefit from $600 million in excess, wasteful, construction spending every year.

This ban on Davis-Bacon helpers is no emergency, has no place in an appropriation, and is no good for the Federal budget.

If it had not been granted a waiver, it would be subject to a point of order because it does not belong here and is not good for the Federal budget. After 9 years of court cases and rewriting, the Department of Labor finally has issued a helper regulation that would wind up saving the $600 million I am talking about when fully implemented. On top of spending the money in this bill, are we going to tell the Labor Department not to save money?

This is the wrong provision and the wrong bill, and certainly this is the wrong time, and I would urge a yes vote on the amendment of the gentleman from Texas [Mr. STENHOLM] to

strike this provision that has absolutely no validity in this bill.

Mr. PURSELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are very supportive of the amendment on this side of the aisle. The Stenholm amendment will delete from the bill the amendment introduced by the gentleman from Pennsylvania [Mr. MURTHA] and which did not go through our Appropriations Subcommittee on Labor, Health and Human Services, and it has bypassed the authorizing committee.

□ 1740

Mr. Chairman, if the Murtha language is not removed, the taxpayers will lose approximately $600 million. We think that the process is inappropriate and we recommend that the Members support the amendment offered by the gentleman from Texas [Mr. STENHOLM].

Mr. Chairman, our new Secretary of Labor, former Congresswoman Lynn Martin, has written a letter to the chairman of the Rules Committee opposing the Murtha amendment, and I submit that for inclusion in the RECORD at this point, as follows:

DEPARTMENT OF LABOR,
Washington, DC, March 6, 1991.

Hon. JOSEPH MOAKLEY,
Chairman, House Rules Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: It is my understanding that the Rules Committee will be meeting this afternoon to consider the nature of the rule governing House debate on H.R. 1281, the "Dire Emergency Supplemental." This letter is to express the Administration's strong objection to a Murtha amendment which was accepted yesterday by the House Appropriations Committee in its consideration of H.R. 1281. The Murtha amendment would prohibit the Department of Labor from expending funds to administer regulations governing the use of semi-skilled helpers on federally financed and assisted construction contracts subject to the Davis-Bacon and Related Acts (DBRA). (These regulations went into effect on February 4, 1991.) It would also enjoin the Department from promulgating final regulations pertaining to revisions to the apprenticeship programs in the construction industry.

I oppose this amendment and its purposes. I also oppose legislating substantive labor policy in an appropriations bill. An appropriations bill is not the appropriate vehicle for introducing significant reversals in established governmental policies. For these reasons, I am asking that the Committee agree to a rule that provides for an "up or down" consideration of the Murtha language on the House floor.

The issues underlying the DBRA regulations have been examined extensively over the past decade, and the Department's authority to implement them has been sustained through the courts. The objections to these regulations were considered in the courts and were rejected. The helper regulations reflect a longstanding position of the Executive Branch over the last decade.

These regulations set no government-imposed constraints or conditions on construction contractors or construction workers. The employment of helpers is permitted *only* when their use is the prevailing practice in an area. The regulations do place limits on the ratio of helpers to journeymen to prevent abuses—their use is limited to two for every three journeymen.

Permitting the use of helpers, according to local industry practices, will:

Provide increased job opportunities for semi-skilled workers and encourage their use in a manner which provides training;

Update outmoded practices under Davis-Bacon to more accurately reflect widespread industry practices thereby enhancing private sector competition on Federal construction projects;

Save the Federal government a substantial amount in construction *labor costs* (estimates to be at least $500 million in FY 1992).

The proposed revisions to the regulations governing the Department's registration of traditional apprenticeship programs were published after two years of research, review, and discussion in an open and public debate on the issues. The purpose was to steamline and update these regulations as part of an overall Departmental program to expand apprenticeship to additional occupations and industries and to maintain and improve the quality of *all* apprenticeship programs. These regulations would require State Apprenticeship Councils to promptly advise a sponsor of a proposed apprenticeship program of a decision on the sponsor's requests and furnish an explanation of the decision in the event of a denial. In addition, there would be the right of appeal to the Department of Labor if the request was denied.

The changes proposed in the revised regulations are intended to reduce subjectivity and the opportunity for bias in determining conditions for program registration and in the monitoring of programs. Background information on the helper regulations is enclosed.

When put in place, these revised regulations will:

Ensure that all registered programs meet consistent, *high quality standards*;

Ensure that all potential programs sponsors are treated fairly by setting up a Departmental appeal process;

Establish a uniform Federal standard for registering apprenticeship programs, with allowances for State flexibility for specific State purposes.

In addition, I would point out that these regulations are still in proposed form. We will keep the Congress informed as the rulemaking proceeds.

For the foregoing reasons, the Administration asks that the Rules Committee would grant a rule which allows for the "up or down" consideration of the Murtha amendment.

The office of Management and Budget advises that there is no objection to the transmittal of this letter from the standpoint of the President's program.

Sincerely,

LYNN MARTIN,
Secretary of Labor.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Texas [Mr. STENHOLM].

Mr. Chairman, the Stenholm amendment would delete from the pending supplemental appropriations bill the Murtha amendment, which prohibits the Secretary of Labor from implementing two sets of regulations threatening to undermine important standards for the protection of workers in the building and construction trades throughout the Nation.

These prohibited regulations are, first, the newly effective Davis-Bacon regulations regarding helpers and, second, the proposed regulations making changes in the operation in the National Apprenticeship Program affecting the construction industry. Neither of these regulations, which the Murtha amendment as adopted by the Appropriations Committee would hold in abeyance, has been properly considered and approved in the legislative process.

As chairman of the Education and Labor Committee, I am strongly opposed to the administration's unilateral promulgation of such major regulations in the absence of legislation authorizing substantive changes in these programs.

The Davis-Bacon regulation, which took effect on February 4 of this year, would allow contractors carrying out federally assisted public works and construction projects subject to the Davis-Bacon Act to assign work previously performed by journeymen or laborers to a lower-wage classification of "helpers".

Collective bargaining agreements usually include within the classification of laborers those workers who perform helping or tending duties. Like other laborers, they receive prevailing wage rates and fringe benefits. The Labor Department's new regulations will allow prevailing wage determinations to be made separately for a newly recognized classification of helpers, who would not be covered by the prevailing wage rate and fringe benefit protections available to laborers.

The expanded helper regulation will have the effect of eliminating the longstanding requirement that has permitted Davis-Bacon contractors to pay reduced wages to unskilled workers only if they are registered as apprentices in a Federal apprenticeship and training program or an approved State apprenticeship program. Under the new regulations, helpers would not be assured of the training that they need to enhance safety and productivity on the work site.

The new Davis-Bacon regulations recognize a category of helpers who are not journeymen mechanics or laborers, and who are not apprentices or trainees, the classifications for which Davis-Bacon determinations have been made for half a century.

Under these regulations, contractors who employ workers in the helper category at lower wages and benefits, but do not register them as apprentices, will reduce their costs to the detriment of these workers and thereby have an unfair advantage in bidding for federally assisted public works and construction projects.

This kind of fundamental change in the program's framework should be addressed only in the context of Davis-Bacon authorization legislation.

The Education and Labor Committee reported out legislation in the 100th Congress which addressed a variety of Davis-Bacon issues, including the definition of helpers. That legislation was adopted on the House floor as a part of the Defense authorization bill. No Davis-Bacon amendments were finally agreed upon in the joint House-Senate conference.

Congress should insist that the administration recognize that authorizing legislation is the only appropriate vehicle for dealing with fundamental changes in the operation of the Davis-Bacon Act. I support the Murtha amendment because it protects the legislative prerogative in this important area.

The proposed regulations regarding programs under the National Apprenticeship Act are still under review in the administration, after an extensive public comment period. Nearly 60,000 comments opposing the regulations were received by the Department.

Although the Labor Department has not settled upon the final contents or an effective date for these regulations, there are disturbing provisions in the proposed regulations, which have been brought to the attention of many Members of Congress.

The major controversy concerns the Labor Department's proposal to provide interstate portability of apprenticeship program registration. The approval of an apprenticeship program in a State would automatically permit a sponsor to operate in another State for up to 6 months without obtaining approval from the second State where it would like to operate.

Employers with programs meeting lower standards in one State would be encouraged to operate in States where they would not meet higher apprenticeship standards. The need for this portability proposal is not clear, in view of the experience that many multi-State contractors are now meeting standards in each State in which they operate.

The construction industry apprenticeship program in this country has generally been highly effective, a model for the world. The Murtha amendment would simply prohibit the implementation of the proposed apprenticeship regulations as they affect the construction industry.

It is my position that those who advocate changes in the National Apprenticeship Program should demonstrate the need and justification for major operational changes in the proper legislative forum. The administration has not submitted a legislative proposal to the Education and Labor Committee. I believe that regulations arousing the controversy that these apprenticeship regulations have stimulated should be withdrawn.

I support the Murtha amendment in this bill because it would assure that these Davis-Bacon and apprenticeship regulations will not be permitted to take or remain in effect, in the absence of the proper approval in the course of legislative consideration.

For these reasons, I ask that the Stenholm amendment be defeated and that the Murtha amendment be retained in this supplemental appropriations bill.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know that we all want to vote and we want to end the day and end the week and go home, but I think we have to understand exactly what is going on here this afternoon.

We have two sets of regulations. One set of regulations deals with Davis-Bacon, and the other set of regulations deals with apprenticeship. The Davis-Bacon regulations have been litigated in courts, and the courts have ruled that every one of those regulations is valid. I cannot help it if you do not like the ruling of the courts, but that is what has happened.

On the apprenticeship regulations, they have been in negotiation, and the fact is that last week organized labor in this country resolved almost every bit of the differences in the proposed regulations with the Department of Labor. We are all well aware that this week the Department of Labor has been up here meeting with congressional staff to further discuss those proposed regulations.

These are only proposed. This is the first phase, the public hearing phase, as the distinguished chairman of the Committee on Education and Labor said, and this is the time for comment. But are we all going to decide here today that we are not going to allow the normal rulemaking process to go forward if there is by chance the possibility that there is something in those regulations that maybe we do not like? Is that the way we are going to legislate? Are we going to legislate that way in an appropriations bill?

This is the wrong provision. This amendment is in the wrong bill. It does not belong in an appropriations bill. If there are problems with Davis-Bacon and problems with the apprenticeship rules, then we should bring legislation up here to deal with them. But it is the wrong time. It is the wrong time because the regulations process is not complete. It is the wrong time because the Department of Labor has been bargaining in good faith with organized labor to resolve this, and now we are going to come in here and cut them off at the knees.

The fact is that we have regulations in here that are 17 years old. They have not been changed for 17 years. The process of updating and modernizing those regulations makes all the sense in the world, and are we going to take a dire supplemental appropriations bill and use that as a tool because we know that train must go? Are we going to do something like this? That is not good public policy, and worse than that, it is not a good legislative process.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I am happy to yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would just like to respond to the statement of the chairman of the Committee on Education and Labor of a moment ago and again remind my colleagues that we are here today because these regulations that were proposed in 1982 were stopped by an injunction. The individuals who differ with whether the regulations ought to be written or not written today have had a judge look at them, and let me read what the judge has said regarding the Davis-Bacon item:

Vacating the injunction, Judge Harold H. Green stressed that the Davis-Bacon Act gives the Secretary of Labor authority to determine prevailing wages in the broadest terms imaginable. Accordingly, the court said a review of the Secretary's decisions should be only to ensure that regulations are consistent with the purpose of the statute and are not arbitrary.

The arguments the chairman was making have already been looked at by a judge, and it was said that the original intent of the act that has not been amended since 1935 is in fact still being carried out, but there are still protections if in fact these regulations are arbitrary. And that is not anything my amendment is getting into.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. GUNDERSON] has expired.

Mr. FORD of Michigan. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin be granted 3 additional minutes, and I will ask him to yield to me.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. McDADE. Mr. Chairman, reserving the right to object, I am not going to object, but I would just like to try to see at this point if we can get a sense of how many more speakers there are on this issue and see whether or not we can agree on a limitation.

Mr. FORD of Michigan. Mr. Chairman, if the gentleman will yield, my sense is that we are at the end.

Mr. McDADE. I am sorry, I did not hear the gentleman.

Mr. FORD of Michigan. Mr. Chairman, the reason I am doing this is that my sense is that we are at the end of it.

Mr. McDADE. Are there more speakers?

Mr. FORD of Michigan. If the gentleman pops up with one, one will pop up over here, but after that I think we are through.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. VALENTINE. Mr. Chairman, I would just like to make a request by unanimous consent. I rise in support of the amendment.

The CHAIRMAN. There is already one unanimous-consent request pending, that request being for the gentleman from Wisconsin to be granted 3 additional minutes.

Mr. McDADE. Mr. Chairman, further reserving the right to object, may I suggest, if we are close to a vote, that we get unanimous consent that all debate close in 5 minutes.

The CHAIRMAN. Does the gentleman from Michigan [Mr. FORD] withdraw his first unanimous-consent request?

Mr. FORD of Michigan. No, Mr. Chairman, I asked to get 3 additional minutes for the gentleman from Wisconsin.

The CHAIRMAN. Then the Chair will put the question again.

Is there objection to the request of the gentleman from Michigan that the gentleman from Wisconsin [Mr. GUNDERSON] be granted 3 additional minutes?

There was no objection.

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Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I will be happy to yield to the gentleman from Michigan.

Mr. FORD of Michigan. The actual history the gentleman partially reported to Members is in 1981 the Reagan administration proposed the same regulation we are talking about here. The U.S. court held that that was an illegal attempt to, by regulation, amend the Davis-Bacon Act.

In 1982, the district court held that the helper rule violated the Davis-Bacon Act, and sent it back in 1983 to the Labor Department and said, go back to the drawing board and recognize the existence of the definitions in the act as we have interpreted them in the past, and rewrite it.

In 1987 the Labor Department issued a second proposed helper regulation. In 1989 the helper regulation was published as final and submitted to the U.S. district court for approval. In 1990, the U.S. district court lifted its injunction, that had been there ever since 1981, clearing the way for the Labor Department to implement the helper rule. However, that case is on appeal.

Now, I do not know if you want to have these things go to the courts, and then let the executive branch go forward. It does not show good faith to me on the part of the people over at the Labor Department. I have not had a chance to talk to the Secretary about this. I do not think she will approve of it.

Mr. GUNDERSON. Mr. Chairman, reclaiming my time, two things: First of all, if you are concerned about regulations going to the courts, if you are concerned about the outcome of the courts, then let us take a good look next week at the civil rights bill, where we are opening up civil rights laws to the courts for the first time in the history of the country.

Second, and this is the argument that every Member on this floor, Republican or Democrat, ought to understand. Lynn Martin has been the Secretary of Labor for 1 week. One week. Now, do you think it is fair and proper conduct for this House of Representatives to come here and to undercut her ability to review these regulations and to propose final regulations, with only 1 week on the job? We are all fairer than that. We all apply to a higher standard of conduct than that.

Support the amendment of the gentleman from Texas [Mr. STENHOLM].

Mr. McDADE. Mr. Chairman, I want to make sure we are closing debate. If not, I want to renew my unanimous consent that all debate end now.

Mr. VENTO. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Stenholm amendment, which would eliminate the provision of the bill added in the Appropriations Committee by Mr. MURTHA, which prohibits the Department of Labor from expending any funds to implement proposed new regulations which would permit the expanded use of helpers on federally funded or federally assisted construction projects.

On August 24, 1990, the Labor Department published proposed new regulations which would lower the standards of all apprenticeship programs, including those in the construction industry. The Labor Department justifies these proposed new rules on the basis that they are intended to promote the development of apprenticeship programs in nontraditional industries and to serve the needs of apprentices. A closer reading of the proposed new rules, however, reveals that, in fact, they would serve wholly the convenience and benefit of contractors and not the apprentices enrolled in the program.

For example, the portability provision in the Department's proposed rules would allow a contractor from one State who meets the new proposed Federal standards to automatic certification in any other State for up to 6 months. While this change would obviously give contractors greater flexibility in moving apprentices across State lines, it does not necessarily serve the interests of the apprentices in training since there is no requirement that a contractor hire any local apprentices in another State which he enters and since there is no requirement that he retain those apprentices from his own State who he brings into work in another State.

Furthermore, the portability changes proposed in the new rules run roughshod over State apprenticeship programs in Minnesota and many other States thus circumventing State efforts across the Nation. The proposed new rules will effectively preempt the ability of State apprenticeship agencies to establish program standards that are higher or are in any way different than a set of minimum Federal standards.

In Minnesota, we know from firsthand experience what can happen when an out-of-State contractor comes in from another State with very different labor standards and practices and runs roughshod over local workers and apprentices.

The proposed new rules also eliminate journeymen-to-apprentice ratios. This change will undoubtedly reduce the quality of the job-training component of all apprenticeship programs and will also adversely affect job safety.

The proposed elimination of the minimum 144 hours of annual instruction in the proposed rule will reduce construction program quality in the building trades and will also lower the level of training provided to apprentices in nonconstruction apprenticeship programs. Simply increasing the minimum term of an apprenticeship to 2 years, except for competency based programs where the term may be an even shorter duration of only 18 months doesn't suffice for the lost training requirements. How do such changes work to the benefit of apprentices who are promised a quality training experience? The answer is that they do not.

On October 19, 1990, I wrote to then-Secretary of Labor Elizabeth Dole, and was joined by 105 other Members of the House, expressing our opposition to these proposed changes and requesting that the proposed regulations be withdrawn. Indeed, it is my understanding that the Department of Labor has received thousands of comments criticizing these proposed new rules since they were first published in the Federal Register in August 1990.

On March 1, I hosted a congressional briefing at which Mr. Jim Van Erden, Administrator of the Office of Work-Based Learning, and Mr. Tony Swope, Director of the Bureau of Apprenticeship and Training, responded to some of our concerns regarding these proposed regulations. At that time, these Labor Department officials indicated that they were aware of many of the concerns which have been expressed and that they were working with interested parties to revise the proposed rules. That being the case, there should be little objection to the provision included in committee by the gentleman from Pennsylvania [Mr. MURTHA] which simply prohibits the Department from expending any funds to implement these regulations, which the Department concedes are flawed.

I hope that my colleagues will join me in rejecting the Stenholm amendment to delete the Murtha provision from the bill.

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I insert the following letter from the AFL–CIO:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, March 7, 1991.

Hon. JOHN P. MURTHA,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MURTHA: The AFL-CIO supports your amendment to H.R. 2181, the Dire Emergency Supplemental Appropriations bill for FY 1991 which forbids the Labor Department from expending funds to implement helper and apprenticeship regulations which adversely affect workers. For almost ten years, both the Congress and the courts have stood fast against these proposed regulations.

As you know, the Labor Department in 1981 proposed a new category of "helpers" designed to create a class of workers who, unlike laborers, would work with no formal training and no hope of advancement within the construction industry. The Davis-Bacon Act requires prevailing wages for "laborers and mechanics" on federal and federally-funded construction projects; "mechanics" are journeymen.

Under the regulations, "helpers" will receive no formal training and will become a permanent underclass of workers at very low wages. The result would be to severely reduce the level of employment for laborers, who are in large part minority workers. If the regulations were implemented, fully 40% of the Davis-Bacon work force would be eliminated just as the numbers of minorities and women are increasing in the industry, their wages would be slashed or their jobs eliminated.

In 1983, the U.S. Court of Appeals struck down the 1981 helper regulation, ruling in part that it undermined the Davis-Bacon purpose that Federal projects mirror local practices, and the court enjoined enforcement of the regulation.

The changes being brought about by the regulations are those that the Congress has repeatedly rejected. Moreover, Congress has both repeatedly extended the Davis-Bacon Act and refused to repeal or "water down" the statute.

The Labor Department has also proposed a regulation to disrupt the long-standing operation of apprenticeship programs. The regulation would abolish state apprenticeship councils of employer and employee groups which exist in 26 states and the District of Columbia.

Furthermore, the regulation would abolish ratio requirements of apprentices to journeymen, leaving an unenforceable apprenticeship system. The Labor Department cannot enforce every employer's apprenticeship program without an established ratio.

The regulation would also allow out-of-state contractors to disrupt local apprenticeship training programs by bringing in an unlimited number of out-of-state apprentices.

The AFL-CIO strongly supports your Amendment and we urge you and your colleagues to vote down any motion to strike it from the Supplemental Appropriation.

Sincerely,

ROBERT M. MCGLOTTEN,
Director, Department of Legislation.

Mr. VALENTINE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas [Mr. STENHOLM]. He and I, and many others in this House, have long pushed for real reform of the outdated, obsolete Davis-Bacon Act. It is not fair to those of us who have invested much time and study in Davis-Bacon to be surprised by the revelation that a significant, nongermane legislative provision was slipped in this appropriation bill in committee.

Despite previous consideration of Davis-Bacon in this House, this provision has never been openly debated. And every other significant Davis-Bacon provision to come to the floor in the last decade—whether already in a committee bill or in a floor amendment—and whether proposed by Davis-Bacon reformers or apologists—has come with an opportunity for full debate and an opportunity for the other side to offer an alternative.

This is a Davis-Bacon stealth attack Mr. Chairman. It has been carried out this way because some supporters of the old Davis-Bacon regime do not trust the outcome of this debate to the democratic process.

In 1988, we came within six votes of passing a Stenholm-Dickinson amendment significantly stronger than the Department of Labor regulation this bill blocks. In 1989 we lost by only 22 votes an attempt to defeat an expansion bill.

This is a close issue in the House, and I am disappointed that a few persons would rather attach a rider to a supplemental appropriation than revisit the issue in an open, deliberative manner.

I want to revisit the issue again, but I want to do it when we also have a chance to vote on repeal or reform of the archaic Davis-Bacon Act of 1931. I do not think it is fair, with virtually no notice, to be forced to fight a defensive action against a sneak attack to protect a regulation the Secretary of Labor has had every right to issue.

For these reasons, I ask that we adopt the Stenholm amendment today and set the stage for a real Davis-Bacon debate later in this Congress.

Mr. RAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my friend from Texas, Mr. STENHOLM.

The House has openly debated the issue of Davis-Bacon reform in the last few years, usually as a part of the Department of Defense authorization bill. The debate has been thoughtful and the votes have been close. I believe it is proper to consider Davis-Bacon reform in the context of an authorization bill.

Unfortunately, this issue is now being debated because the Appropriations Committee attached a rider to the supplemental appropriations bill which would prevent the Department of Labor from implementing their modest regulations regarding construction helpers. The courts have held that the Department of Labor has the power to issue regulations which allow the use of semiskilled helpers on Federal construction projects. These regulations are consistent with the Davis-Bacon Act.

Mr. Chairman, these regulations do not need to be addressed through this rider on a supplemental appropriations bill. I encourage my colleagues to support the Stenholm amendment and delete the language in the bill.

Mr. BALLENGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Stenholm Davis-Bacon amendment.

This proposal simply strikes a paragraph in the emergency supplemental that should not be there—a nongermane legislative provision in an appropriation bill that prevents the Department of Labor from proceeding with the new Davis-Bacon helper rule.

The House has debated Davis-Bacon issues several times over the last few years, resulting in several very close votes. Now, an attack has been launched, with a paragraph secretly attached to this appropriation bill that is actually substantial legislation.

The Department of Labor began the process of writing a Davis-Bacon helper rule in 1981. While none in Congress attempted to block it, labor took it to court in 1982. Our legal system cleared the way for a revised regulation in 1985. The Department has further refined the helper rule.

The helper rule has been tested in Federal court every step of the way, including a final determination about a month ago. There is no conceivable reason to hold it up.

There is another reason to support the Stenholm amendment. Simply put, this amendment saves the Federal Government $600 million in wasteful spending. With the Federal deficit topping $300 billion, it's about time we start cutting spending rather than looking for ways to spend more.

The helper ban in this bill amounts to a major and expensive rewrite of the Davis-Bacon Act. Tucking it away almost out of sight, hoping no one will notice, is not a responsible way—nor a fair way—to legislate.

I'm perfectly willing to debate all the issues surrounding the Davis-Bacon Act; unfortunately, this is not the time or the place. Join me in supporting the Stenholm amendment.

Mr. WASHINGTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the construction industry currently has a recognized category of workers who perform helper or tending duties. These are construction laborers. The so-called helper that the gentleman from Texas claims should now be utilized on Federal construction is nothing more and nothing less than a construction laborer—except that the new helper is untrained and receives no fringe benefits such as health care or pension contributions. The economics of replacing trained laborers who currently receive health benefits and a decent wage are quite questionable.

But let me also point out that construction laborers are the largely minority and female component of the construction work force. So if the new helper class is now used, what is the impact on the minority and female portion of the construction work force? It is simple. Their wages are cut and they lose health care coverage.

In 1989, the recognized and formal training programs of construction laborers were composed of 40 percent minority and female workers. The rate at which laborers are currently being trained demonstrates the manner in which the helper regulation will have a particular and immediate adverse impact on the employment of minority and female laborers. Under the auspices of the Laborers-Associated General Contractors education and training fund, a jointly sponsored labor management training fund, there were 31,913 con-

struction laborers who received formal training in 1989 from 73 local training funds throughout the United States. Forty percent of these laborer trainees were minorities and women.

It is these very workers who face a reduction in wages and fringe benefits if the helper rule goes into effect.

If contractors can now simply reclassify these minority and female laborers as helpers and cut their wages and eliminate their fringe benefits, what can possibly be gained from an economic point of view. Also, the social costs will be enormous. It is wrong headed and I urge you to vote against the motion to strike.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to be sure that Members understand how you save money under this regulation. There is no doubt you save it. You save it by the hundreds of thousands of dollars very quickly, and you save it one way. You reduce the wages of American workers. That is the only way that there is any money saved here.

Mr. Chairman, if you vote for the Stenholm amendment, you are voting to reduce the wages of American workers. Yes, that is a savings.

Now, there are other ways to get savings in this country besides reducing the standard of living of American workers. A vote for the Stenholm amendment reduces the standard of living for American workers building plants and equipment and designing material for the Government of the United States. A vote against the Stenholm amendment at least attempts to keep the standard of living for American workers where it is now.

Mr. FAWELL. Mr. Chairman, I move to strike the requisite number of words, and rise in support of the amendment.

Mr. Chairman, it seems to me we ought to understand that for about 8 years now the Department of Labor has been trying as best they can to implement what all of the construction trades and private industry recognize, and that is when you have the classification of helper, you can (once in a while) pick up a tool, for instance, without having to be paid as though you were a journeyman. It is just that simple aspect that we really are talking about.

Mr. Chairman, as far as minorities are concerned, they wish to be able to get into the construction trades. The way to do that is to emulate the private sector. You come in as a helper. You help a carpenter or you help in painting, and you are able to pick up a hammer once in a while. You are paid a fairly good rate there as a laborer, but not as a journeyman.

Anyway, we are not even settling that issue here. We are saying to the Secretary of Labor, you can continue on this particular course. If some people have objections, they can file the objections. I suppose we can have litigation for another 8 years. But the people of this country are recognizing that we are just blowing away $600 million because we are not able to utilize the regulation process.

It makes no sense for this Congress to continue to be indifferent about saving money especially when you have Federal construction projects that can be operated on the prevailing wage rate in the locality and within the prevailing job classifications in the locality. That is what the Davis-Bacon Act is all about—to guarantee that the prevailing wage rate and the prevailing job classifications will prevail. Here we are fighting and fighting, so that we cannot intelligently address it, and we tell the new Secretary of Labor that she cannot continue on what has been an 8-year march. I think that is ridiculous.

Once again, the whole country is watching us as we are indifferent. We are not cutting wages. We are trying to open up the trades so that young people and minorities and others can learn the trades and learn how to be a plumber or a painter. We are not taking money out of peoples' mouths, we are giving them opportunities.

So I support the Stenholm amendment. It is common sense. The Secretary of Labor and the regulatory process hopefully someday will come to an end.

Mr. Chairman, I cannot understand why in the world we cannot have a job classification recognized by Davis-Bacon, if it is a prevailing job classification in a locality where the construction is taking place. That is all we are talking about. A few unions do not like it. They want everybody who comes in, even if they are going to do helpers' work, to get paid as much as a plumber or a painter. That means any construction job which is federally funded or assisted with Federal funds, including local projects which are assisted with Federal funds, will cost millions and millions of dollars more.

Mr. Chairman, that is wasting the money of the taxpayer. I apprise Members once again the deficit this year will be $318 billion, not counting what we borrow from trust funds.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

I apologize to Members for speaking. I know the hour is late and we all want to move on. I cannot let myself let that last speech go unanswered.

Mr. Chairman, I am chairman of the subcommittee that has jurisdiction over the Apprenticeship Program. The Helper Program is in another area. I can truthfully say that this is a change in a policy that has basically controlled this program for 44 years. This is being done by the backdoor of regulation. It is not going through the appropriate channels. All that the gentleman from Pennsylvania [Mr. MURTHA] is attempting to do with this particular amendment is maintain the status quo. That status quo has given us an Apprenticeship Program that has a proper ratio of journeymen to apprentices of 2 to 1, that has a portability provision that prevents people from transferring from one section of the country to another and giving credit, despite the training they have received, that allows States to basically run their own programs, as 26 States have standards this will do away with.

□ 1800

So I seriously think that before Members are too misguided about what is going on today, they should realize that this is a change that is going through the back door, and what we are asking today is for a full and fair hearing through the appropriate jurisdiction, the Education and Labor Committee, to actually produce some sort of policy decision.

Mr. WASHINGTON. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Texas.

Mr. WASHINGTON. Mr. Chairman, I was trying to get my friend from Illinois to yield and I think he forgot and sat down, but am I correct, like down in the State of Texas, specifically in Houston where I am from, we have had a hard time getting certain individuals to participate, to be able to get into these apprenticeship programs, and what I want to do, and the reason I oppose the Stenholm amendment, is the way I read it and the way I read what the regulations do is that they would allow companies from out of State to come in and circumvent the process we have set up by which 40 percent of the apprenticeship jobs are now being held by women and minorities, and bring in people from other States. Am I correct or incorrect?

Mr. PERKINS. I think the gentleman is absolutely correct. Women and minorities would be deeply affected under this proposal.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I appreciate the gentleman yielding for two reasons. I want to comment both to your statement and that of the gentleman from Texas.

It is our understanding that the proposed regulation will make it easier, not harder, but easier to enter the apprenticeship program. I think that we ought to review and understand that before we make this kind of a legislative change.

But I want to ask the gentleman from Kentucky, am I not correct that last week organized labor met in Baltimore with the Department of Labor and came to a general consensus on the regulations for the apprenticeship program?

Mr. PERKINS. I am not familiar with any sort of action that has taken place along those lines, so I truly cannot comment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I am pleased to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as late as last Friday we had a meeting, I did, under the auspices of Chairman FORD with the Department of Labor and various staff. One hundred Members last year signed a letter, as the gentleman maybe knows, against the proposed regulations, and the Department of Labor representatives that were there, and the Labor people at that meeting gave no indication that there was any agreement at this time. There was agreement on some points, but the major provisions that were pointed out here with regard to portability and with regard to the number of apprentices for journeymen, there is no agreement.

The only way I believe, and that is why I oppose the Stenholm amendment and support the Murtha amendment, the only way we are going to get that issue resolved is if we prevent these from going into effect. I think while there may be general agreement down the road, I do not think we want it with a hammer at our head.

Mr. PERKINS. Reclaiming my time, that of course was my understanding as well. I was not familiar with any changes.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, I appreciate the gentleman yielding.

First of all, let everybody understand they are proposed regulations, they are not final, and they are in the public hearings process.

Second, it is still our understanding and the Department of Labor's understanding that there was an agreement in Baltimore on those regulations, and that is why I think many people are very upset with this section happening in this bill at this time when there has been negotiation in good faith, and it is the Department's understanding they have reached an agreement. If they have not over a couple of items, then we ought to go back and deal with that. If that all fails, legislatively we solve it later. But do not prevent the normal process from working, and that is what is happening this after-noon.

Mr. PERKINS. Reclaiming my time, as I say, I am not familiar with any agreement, nor as the gentleman from Minnesota indicated has our side understood there is such an agreement.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to correct something that was said just in the last debate and discussion. One would have thought that if the regulations go into effect, somehow minorities are going to be hurt by that. The opposite is positively true.

At the present time you can be denied an apprenticeship if they do not like the way you comb your hair, if they do not like the color of your skin, if they do not like anything about you and you cannot, you cannot appeal that decision. That is final.

The regulations would give them the opportunity, as a matter of fact, to appeal the decision that was made, which was probably a discriminatory decision in the first place.

Mr. KOLTER. Mr. Chairman, I rise in strong support of the full provisions of the Davis-Bacon Act of 1931. This famous act requires that the minimum wage rates paid to each separate classification of worker, on federally financed construction, repair, and alteration contracts, be those determined to be locally prevailing by the Department of Labor.

As my colleague, Mr. STENHOLM, has indicated, the Davis-Bacon Act was, indeed, a much needed response to unscrupulous, fly-by-night contractors, hauling gangs of itinerant, cheap, bootleg labor around the country to undercut local firms on Federal public works projects at a time when there was little other new construction.

But if we weaken Davis-Bacon now, surely these terrible past practices will return.

Mr. Chairman, we are currently in a precarious time of little or no new construction. We are again in a dismal time of limited employment opportunities and limited business opportunities. If we harm the Davis-Bacon Act now, we will without a doubt return to the same unscrupulous fly-by-night gang labor that needed stopped by Davis-Bacon in 1931.

Today, make no mistake, we have hard, uncertain economic times throughout America and the world. Any weakening now in the labor laws will invite all manner of ruthless new hiring practices.

For example, one problem might be created because immigrant labor is anxious to obtain employment on our shores. Many desperate peoples of the world, whose labor has been shackled in their own lands, would understandably be more than willing to earn a few dollars in this free nation where they have been told the streets are lined with gold. We know through hard experience, that there are—unfortunately—exploiters here on our own shores, who will not hesitate to reshackle these new American workers.

Therefore we cannot allow the slow and systematic destruction of our labor laws and the hard-earned wages of this Nation's labor. The great social contribution of the 20th century has been a fair wage for a full day's work, with a definite and legislated minimum.

We must not be prepared to throw this hard-won legislation to the wind. We must fight here in the Halls of Congress and stand behind the American worker by opposing the amendment of the gentleman from Texas [Mr. STENHOLM] and by supporting the amendment of the gentleman from Pennsylvaina [Mr. MURTHA].

The Stenholm amendment would allow the Labor Department to implement new regulations to expand the practice of hiring helpers. These helpers will receive no formal training and, in time, will become a permanent underclass of workers at very low wages. In addition, a radical change in the spirit of Davis-Bacon—such as the Stenholm amendment—should not be decided by Labor Department regulation.

Mr. Chairman, we recently witnessed another example of the plan to create an underclass of workers when we witnessed the forced agreement on a subminimum wage in the compromise version of the fair labor standards amendments in the last Congress. But this Member of Congress will not idly stand by and allow yet another attempt to gut this Nation's cherished labor protection laws go unchallenged.

The apprenticeship program we must protect today has a long and proud history of training men and women to become skilled journeymen in the construction industry. Allowing the expanded use of helpers on Federal projects would only upset the working relationship between journeymen and apprentices and drive down the wages of all workers at these construction sites.

I urge my colleagues to join me in opposing the Stenholm amendment and supporting a better standard of living for all workers on Federal or federally funded construction projects.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. STENHOLM].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 244, not voting 16, as follows:

[Roll No. 34]

AYES—173

Allard	Combest	Gunderson
Andrews (TX)	Cooper	Hall (TX)
Anthony	Cox (CA)	Hammerschmidt
Archer	Cunningham	Hancock
Armey	Dannemeyer	Hansen
Baker	Darden	Hastert
Ballenger	de la Garza	Hatcher
Barnard	DeLay	Hayes (LA)
Barrett	Derrick	Hefley
Bartlett	Dickinson	Hefner
Barton	Doolittle	Henry
Bateman	Dornan (CA)	Herger
Beilenson	Dreier	Hobson
Bentley	Duncan	Holloway
Bereuter	Edwards (OK)	Hopkins
Bilirakis	Emerson	Huckaby
Bliley	Fawell	Hunter
Boehner	Fields	Hutto
Broomfield	Franks (CT)	Hyde
Bunning	Gallegly	Inhofe
Byron	Gekas	James
Callahan	Geren	Jenkins
Camp	Gilchrest	Johnson (CT)
Campbell (CA)	Gillmor	Jones (NC)
Chandler	Gingrich	Kasich
Chapman	Goodling	Klug
Clinger	Goss	Kolbe
Coble	Gradison	Kyl
Coleman (MO)	Grandy	Lagomarsino

Lancaster
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Madigan
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McEwen
McMillan (NC)
Meyers
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Myers
Neal (NC)
Nichols
Nussle
Oxley
Packard
Parker
Patterson
Paxon
Payne (VA)
Petri
Pickle
Porter
Price
Pursell
Quillen
Ramstad
Ravenel
Ray
Rhodes
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Slaughter (VA)
Smith (OR)
Smith (TX)
Snowe
Spence
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Whitten
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

NOES—244

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Bennett
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Burton
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Davis
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gray
Green
Guarini
Hall (OH)
Hamilton
Harris
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jefferson
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Morrison
Murtha
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Rahall
Rangel
Reed
Regula
Richardson
Ridge
Rinaldo
Roe
Roemer
Rostenkowski
Roukema
Russo
Sabo
Sanders
Santorum
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—16

Crane
Donnelly
Ford (TN)
Ireland
Levine (CA)
McDade
Michel
Miller (OH)
Mrazek
Murphy
Ortiz
Roybal
Sangmeister
Solomon
Udall
Wilson

□ 1826

Mrs. ROUKEMA and Mr. DICKS changed their vote from "aye" to "no".

The Clerk announced the following pair:

On this vote:

Mr. Ireland for, with Mr. Ortiz against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Ms. NORTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the recommendation of the Appropriations Committee for $100 million in supplemental funds for the District of Columbia comes before this body with strong and gratifying bipartisan support. For more than 5 years, there has been no increase in the Federal payment to the District of Columbia. As a result, the residents of the District have endured palpable hardship. Already the most heavily taxed city in the United States, already burdened by a shrinking business and resident tax base, Washingtonians increasingly have taken on the Federal share of the burden as well as their own. By way of analogy, there is probably no State in the country whose State capital has been held at level funding for so long a period of time as has the Nation's Capital.

In January, a complete turnover in the leadership of District government occurred. Mayor Sharon Pratt Dixon, Council Chairman John Wilson, and I met and resolved to work cooperatively, together as a team on District affairs. Both of my colleagues have shown themselves to be leaders of great courage and prudence, unflinchingly taking on a daunting budget deficit. We are enormously grateful to have the support of the full Appropriations Committee, under the strong and able leadership of Chairman WHITTEN with the energetic and intelligent support of Chairman DIXON of the D.C. Appropriations Committee.

While we knew that we had to be prepared to take tough steps to eradicate a daunting deficit, none of us expected that it would assume truly crisis proportions, necessitating emergency action to avoid the crisis of insolvency.

Mayor Dixon has courageously risen to the occasion. She has moved to confront the budget deficit in ways that distinguish her among mayors in the United States. Of the more than $300 million deficit she inherited, she took on two-thirds of the deficit herself. She has made cuts in every operation of the D.C. government beginning with cuts in her own office, and the city council has done likewise.

Further, Mayor Dixon's budget has undergone tough cross-examination in the city council, where Chairman Wilson, who has encyclopedic knowledge of the finances and operations of the D.C. government, has been satisfied that the cuts are both deep and real.

Having taken on the lion's share of the budget deficit ourselves, the District now seeks to renew its partnership with the Congress beginning with this supplemental request. We strongly urge your support.

□ 1830

AMENDMENT OFFERED BY MR. CHAPMAN

Mr. CHAPMAN. Mr. Chairman, I offer an amendment made in order under the rule.

The Clerk read as follows:

Amendment offered by Mr. CHAPMAN: Page 33, after line 19, insert the following:

SEC. . (a) The Congress finds that—

(1) United States and coalition armed forces devoted enormous human and financial resources to the successful effort to free Kuwait from illegal Iraqi occupations, enforce United Nations resolutions, and preserve the territorial integrity of the Gulf States;

(2) Americans take great pride in the troops who won this historic victory and honor those who gave their lives to liberate Kuwait and turn back aggression;

(3) major trading nations of the world will benefit substantially and directly from the coalition victory in this strategic area;

(4) six nations have pledged $53,500,000,000 in contributions to help meet the costs of the coalition effort;

(5) some nations have been slow to honor those commitments for 1990; and

(6) the 1991 commitments are agreed to be due on March 31, 1991.

(b) Having appropriated significant supplemental funding for the United States armed forces in the Gulf region in a time of recession and budget deficits, it is the sense of the Congress that—

(1) these pledges of financial support from the allied nations are appreciated;

(2) nations that have made such pledges are urged to comply with them at the earliest possible time, with substantial compliance or an agreed upon payment schedule no later than April 15, 1991;

(3) these commitments shall be upheld; and

(4) if these commitments are not met the Congress may consider appropriate action.

Mr. CHAPMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. CHAPMAN] will be recognized for 15 minutes, and a Member opposed to the amendment will be recognized for 15 minutes.

Who seeks to claim the time in opposition to the amendment?

Mr. WHITTEN. Mr. Chairman, I reserve the 15 minutes in opposition.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTEN] will be recognized for 15 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, I yield one-half of my 15 minutes to the cosponsor of the amendment, the gentleman from Michigan [Mr. PURSELL], and yield myself such time as I might consume.

Last night this body and the American people shared a great victory as the President of the United States addressed the Congress of the United States. The cost of that victory in both human and financial terms has been great. Americans have paid with their lives and a commitment that has been truly remarkable, but in economic terms as well the cost of Operation Desert Storm is approaching $70 billion.

Through the hard work and negotiations of our Secretary of State and the Executive, we have received substantial commitments to defray that cost. In fact, some $54 billion has now been pledged by our coalition partners to offset the cost of Operation Desert Storm. Our allies have a moral obligation to pay their share of the cost of this war. The American people have already paid with their lives, their troops, their will and their military commitment.

I wholeheartedly agree with this proposition and so do the American people, as I suspect you, my colleagues, have heard back home in your districts.

Today my resolution puts the Congress on record as well with this proposition.

Mr. Chairman, the major trading nations of the world will benefit by this great victory that we as a coalition of forces and as the United States enjoyed in the victory of Operation Desert Storm. Six nations have now pledged nearly $54 billion to help meet the costs of the coalition effort; however, some nations have been a little bit slow in honoring their commitments. I know that the Executive is working hard on this and I do not with this resolution want to do anything to interfere with their efforts and the good work they have already accomplished in securing these commitments and the payments so far that have been made; but today we appropriate tens of billions of dollars for the costs of Operation Desert Storm, costs that will cost the American taxpayers since this is financed outside the budget agreement.

Mr. Chairman, in a time of deficits and recession, the American taxpayer will pay upward of $8 million a day in interest to finance the supplemental appropriation bill that we will pass today. It is time that our allied partners pay their commitments. This resolution simply asks that they do that very thing and lets them know that should they not do so, the Congress will be watching and this Congress does have the ability, the authority, and the will to act.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, I call to the attention of my colleagues, those of you who may enjoy a brain teaser, a new brain teaser. I ask you the question, when is $9 billion not $9 billion? And the answer is when Japan makes a commitment.

In concert with the resolution of the gentleman from Texas [Mr. CHAPMAN] I would like to call the attention of my colleagues and the American people to one thing. The Japanese Diet has just recently concluded their debate and decided to contribute. They are going to contribute yen, to be exact Y1.17 trillion. At the present exchange rate, that comes to $8.6 billion, not $9 billion.

But more importantly, they will be contributing this $8.6 billion to the Gulf Peace Fund, not to the United States. Japan has used the Gulf Peace Fund before.

Back in September, Japan promised $2 billion for the war effort. Of that, the United States is slated to receive $1.7 billion; to date we have only received $1.3 billion. Only $860 million of this money has been cash, with $450 million in kind.

The mechanism the Japanese have opted to use to distribute the money, both in September and now, is the Gulf Peace Fund. The decisionmaking process of Gulf Peace Fund is conducted by two individuals, the Japanese Ambassador to Saudi Arabia and a representative of a group known as the Gulf Cooperation Council which represents six Gulf State nations. These two individuals parcel out the money.

Monitoring statements by the Japanese Embassy and watching the publicity, one would think that the United States has a commitment for $9 billion. In reality, not a chance. To begin with, Japan is only contributing $8.6 billion. Furthermore, of the $2 billion promised in September, we have received less than 85 percent. Indications are that because the war is now over and because there is a need for reconstruction in the gulf region, there will be pressure to commit a good portion of the $8.6 billion to reconstruction in the Middle East.

I do not want to suggest that we should take any action today, but tomorrow the decision of the Gulf Peace Fund as to how that money will be distributed is going to be made. I would suggest that my colleagues here in this House, as well as the American people, monitor this situation very carefully. If the nation of Japan does not make its commitment or instead says that the check is in the mail, but we addressed it to the wrong party, that we take strong action to test who our allies and friends really are.

Mr. Chairman, I support the resolution of the gentleman from Texas [Mr. CHAPMAN]. I think the Secretary of State has done an excellent job in getting promises, but I am growing skeptical about the intentions of some of our allies to keep those promises.

Mr. PURSELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support the Chapman-Pursell compromise. We discussed this at great length in the full Appropriations Committee and we have worked out a compromise which is permissive in its approach, not mandatory.

There is no question that Operation Desert Storm was such a success because of the historic efforts of President Bush to bring together a diverse coalition of countries who opposed aggression. At no time in our Nation's history has a President been able to organize worldwide action in response to such brutality.

Except for the citizens of Kuwait, however, no country has done more in this effort than the United States. As a veteran of the U.S. Army, the Army Reserve, and as an American, I have never been more proud of our military forces and the spirit that made it all possible.

But the United States cannot bear the burden of leadership alone. While American lives have been lost for the cause of freedom and justice in the Persian Gulf, the American taxpayer must not be left holding the check for the entire operation.

Mr. Speaker, this amendment recognizes the financial pledges of our allies and it expresses our great appreciation. But this amendment also puts the Congress solidly behind the taxpayers by stating that we will make every effort to collect the generous contributions of our friends.

April 15 is a significant day in the life of every American. This amendment ensures that April 15 will have the same significance for our allies.

Mr. Chairman, I congratulate the gentleman from Texas [Mr. CHAPMAN] for offering the amendment in the full Committee on Appropriations on Tuesday.

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I ask the House to support the amendment.

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

Mr. PURSELL. I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I certainly am willing to follow the gentleman's judgment on this issue, although I am somewhat concerned about the language. But I think it is somewhat interesting that some people in this House seem to be willing to be tougher on your allies than they were willing to be on the Iraqis.

I thank the gentleman for yielding.

Mr. PURSELL. Mr. Chairman, as you know, I supported the President here. I should say that the Japanese Government yesterday in their legislature adopted the $9 billion commitment that they have made to this contributing fund.

So I think the allies are paying up, and we just hope that they fulfill their obligations and continue their responsibilities to match our taxpayer dollars and help pay for the gulf war.

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

AMENDMENT OFFERED BY MR. DINGELL TO THE AMENDMENT OFFERED BY MR. CHAPMAN

Mr. DINGELL. Mr. Chairman, I offer a minor technical perfecting amendment to the amendment offered by the gentleman from Texas [Mr. CHAPMAN].

The Clerk read as follows:

Amendment offered by Mr. DINGELL to the amendment offered by Mr. CHAPMAN: In the matter proposed by the amendment, on Page 2, line 13, strike "upheld," and insert in lieu thereof, "fulfilled."

Mr. DINGELL. Mr. Chairman, I rise in strong support of a minor technical perfecting amendment to the excellent amendment offered by our dear friend from Texas [Mr. CHAPMAN]. The amendment would simply change the word "upheld" in the amendment to "fulfilled", which would indicate that it is the intent of the Congress that the beneficiaries of the action which was so gallantly taken by the Armed Forces of the United States and our friends and allies would be taken care of by fulfilling the commitments made by other nations which are the beneficiaries.

I would remind my good friends here that it is important that those commitments do be fulfilled. I would remind everybody that the payment of the doctor bills usually does not occur if they are not done before the recovery has been complete.

I would also remind my dear friends and colleagues about the situation which followed World War I. We are still looking for repayment of the obligations achieved during World War I.

I believe it is fair to say that there are certain nations, and I do not think it would be appropriate for me to mention them here, who contributed absolutely nothing to the Operation Desert Shield and Desert Storm and who are 100 percent dependent upon imported oil and who are much more heavily dependent upon imported oil and imported oil from the Persian Gulf than is the United States.

It is not too much for this body to expect that they would carry out their responsibilities and their commitments, and it is not unwise to suspect that in the orderly passage of time they might say: "Ahh so, we are still having difficulties selling that to the Diet."

It is my hope that this amendment will help trigger the kind of proper, forthcoming response by friends and allies like that that this country really deserves.

Our soldiers have performed gallantly, our commanders have performed brilliantly, our people have sacrificed. The cost of this undertaking is going to exceed $70 billion. The cost for a day without war is $75 million. The cost of a day's war is in excess of half a billion to a billion dollars. The cost will continue to go on.

Now, we can look to the attitudes of the people we serve. They clearly expect that having sacrificed already not only in terms of the lives and well-being of our young people and the times committed not only by our regular forces but by 200,000 Reservists who have given up their family life and given up their peacetime occupations to go and serve in the gulf, that other countries which have contributed nothing to this undertaking in terms of military activity and manpower and blood and tears and sweat and sacrifice should now come forward.

Beyond that it is not too much to expect that when these soldiers, and sailors, and marines, and airmen, men and women, return to the country that they love and that they have served so well and effectively, that they should be able to expect that they are not going to be told, "Welcome home, welcome home, we are delighted you are here. We have a little bill for the cost of Operation Desert Shield and Desert Storm because some of our friends and allies are not going to pay up their fair share."

The United States has budgetary problems which we have been debating during this discussion. They are enormous. They will be worse before the year is out.

It is not too much to expect that in dealing with those, we will not have to deal with the recalcitrance of friends and allies who are beneficiaries of the actions of this country and who in fact should be paying for the enormous benefit that has been achieved, not only in terms of guaranteeing their oil supply but in terms of seeing to it that Saddam Hussein did not achieve control of 70 percent of the oil in the world, which would have made him the dominant economic, political, and military factor not only in the Persian Gulf, not only in the Middle East, but all throughout the world.

This language is permissive. I personally think it should be stronger. But it does tell everyone, including the President of the United States, and the State Department, which is not as diligent in these matters as they could be, that the Congress expects full payment and that if it is not forthcoming, that stronger action will be seen in this body.

I urge my colleagues to vote both for my amendment and the fine amendment offered by the gentleman from Texas [Mr. CHAPMAN].

Mr. Chairman, I rise today to offer a technical amendment to the amendment offered by the gentleman from Texas [Mr. CHAPMAN]. I would like to take a moment to commend the gentleman from Texas for his excellent amendment. With all due respect to the gentleman, this minor change, which substitutes the word "fulfilled" for "upheld", more accurately describes what the Congress is really trying to do here. And that is to make certain that our allies fulfill their obligations to make good on their commitments.

Mr. CHAPMAN's amendment, as modified by my amendment, sends a clear message to our allies that the Congress expects them to make good on their commitment to share the financial costs of Operation Desert Storm. The price of our victory and the ensuing peace must be paid by those who benefit from the fruits of this region.

Today we will later vote to contribute $15 billion additional to Operation Desert Storm. As a veteran of World War II, I cannot praise highly enough the performance of our service men and women, whose dedication, skill, and professionalism made possible one of the most brilliant military campaigns in history.

While war is never a preferred alternative, our forces contained Saddam Hussein's heavily armed Republican Guard with little loss of American blood—a truly extraordinary accomplishment. We cannot burden our returning veterans—and the American people—with paying for a war we did not cause.

With current estimates showing the war costing almost $70 billion, our allies have commendably promised to pick up 79 percent of the tab. It should be the sense of this Congress that these pledges be paid by April 15.

Unfortunately, despite the best diplomatic efforts of our administration, almost two-thirds of these pledges remain unpaid. With the war over, I fear that we might start hearing that old excuse, "check's in the mail," from some of our allies.

At the beginning of this Congress, I reintroduced H.R. 317, the Desert Shield Burden Sharing Act. This bill allows the President to determine whether a country delinquent in paying its pledges should be subject to an additional duty of 20 percent on all goods shipped to this country for sale to the American taxpayer. Given the sense of the Congress that the pledges must be paid, we must be ready to use all available means to ensure payment.

DESERT STORM BURDEN SHARING ALLIED CONTRIBUTIONS AND PAYMENTS

[In millions of dollars]

Country	Promised	Delivered	Still due
Saudi Arabia	$16,839	$6,023	$10,816
Kuwait	16,006	3,510	12,496
United Arab Emirates	3,000	1,010	1,990
Germany	6,572	2,963	3,609
Japan	10,740	1,323	9,417
South Korea	385	71	314
Others	3	3	0
Total	53,545	14,903	38,642

Source: Congressional Quarterly March 2, 1991.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan, [Mr. DINGELL] to the amendment offered by the gentleman form Texas [Mr. CHAPMAN].

The amendment to the amendment was agreed to.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. SMITH], a member of the committee.

Mr. SMITH of Iowa. I thank the chairman for yielding.

Mr. Chairman, this sounds like one of those macho amendments that everybody ought to just vote for and put out a press release and say, "How strong I am."

But let me tell you a couple of things about it. First of all it is a mere sense-of-Congress resolution, it is a political statement. We should not be having sense-of-Congress resolutions on appropriation bills, or anywhere else for that matter. All they are is opinions.

Second, the promises that were secured were about twice what any Member of this body thought could be gotten, just about twice, which is unbelievable, really.

What this resolution does is say:

You who promised to pay twice as much as we thought that you might give must pay up within 6 weeks or we are going to do something to you.

How insulting can you be to those who promised to pay more than we thought they would pay? It does nothing to anybody that did not promise to pay anything, just those that are going to pay about twice what we thought they would pay.

Is this the way you treat our allies and people who are helping you? It is like if you were soliciting for your church and somebody says:

Even though you didn't ask me for $50, I am going to give you $100, but I don't have it today. I will give it to you in about 2 months from now when I get my finances arranged.

And just before you leave, you say:

You had better pay every penny that you said you were going to pay, and you had better pay it within 6 weeks.

Now, that is the kind of amendment we have here on the floor. That is not the way we ought to be dealing with this subject in this House.

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

May I say to my colleagues and the cosponsors of this amendment, we worked together on many, many things but I must oppose this amendment.

This is a matter of how you go about things. These promises by foreign governments to help pay for our war costs that we read about have usually been made by their executive branches. In most cases these governments have to get an appropriation from their legislative branches.

□ 1850

Mr. Chairman, I have been in the business a long time, and I have always gotten further by persuasion than by threats. If these governments turn us down, what are we going to do? Are we going to call Congress in session here, and issue an edict, and send troops over there?

Based on my own experience I have gotten mighty little out of threats. I think it would be much better to ask them to contribute because in most cases the fellow that made the promise was not in a position to commit his country. He has to go back and get an appropriation. I think this amendment is ill timed, and it is bad. The good intentions of our colleagues are unquestioned. If these commitments are not met, then Congress may consider appropriate action.

Mr. Chairman, I do not know any appropriate action we can do now except to write and ask them to please pay up.

Mr. CHAPMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Texas [Mr. CHAPMAN] for yielding, and I really want people to support his amendment, and let me try and respond to my two good friends, the gentleman from Mississippi [Mr. WHITTEN] and the gentleman from Iowa [Mr. SMITH]. I hear what they are saying about the sense-of-Congress resolution, and normally I would agree with them.

However, Mr. Chairman, let me say that we here have a very difficult problem. We have the executive branch who collects the pledges, but are also trying to hold together this coalition, which is very fragile, and I think it is very important that it is in this bill because one of the things we are hoping to do in this supplemental is hold down our debt and communicate this.

Now I do not think we have done this before, and the State Department has a lot of trouble being too tough on this issue because they have got to do a lot of other things with these countries. I think it is our job to try and be tough.

Mr. Chairman, I chair the burden-sharing panel of the Committee on Armed Services. Let me tell my colleagues that we just visited some countries, talking to them about their pledge, and they said, "One of the burdens of leadership is, if you get on the roof and people remove the ladder." That is the burden.

Mr. Chairman, I do not think the American taxpayer really wants to be left on the roof with all the money outstanding, and so, therefore, I really think here the sense-of-Congress resolution makes sense.

If my colleagues will remember, many of these countries we had experience with in 1987 during the Kuwaiti reflagging, and a lot of those things were not corrected. I know because my committee wrote a report giving everybody credit for what they pledged, and then I had people coming in and saying to me that was wrong, that money did not come, and we were embarrassed to have to back off.

So, I think it is important we say, "We intend to have people keep their pledges." We think that is very important. It is a sense-of-the-Congress resolution, but it helps the administration to collect them, too, by saying, "Here we are pushing that."

Mr. SMITH of Iowa. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, we are 1½ years behind in arrears on our pledges to the United Nations. What if one of these countries said or they passed a resolution in their diet or whatever it is and said, "Either you pay up that in the next 6 weeks, or we're going to make you sorry?" Do my colleagues think that is going to make us do any more?

Mrs. SCHROEDER. I think we should pay those, too, and I think that is part of the new world order.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MCDADE].

Mr. MCDADE. Mr. Chairman, I will try not to use all that time. I hope this amendment would be roundly defeated. It is the most ill-timed and ill-considered amendment I have seen on this floor in a long time.

At a moment of unprecedented international cooperation that we witnessed last night, when we have a coalition melded together by the free nations of the world to stop aggression, we suddenly want to say with some kind of a sense of Congress, as the gentleman from Iowa [Mr. SMITH] points out, resolution, "You pay up or else in this body."

My colleagues, the coalition has been together. We have repelled aggression. We saw the diplomatic corps here last night and recognized the ambassador from Kuwait. We liberated a nation because all of us stayed together. We have been together.

The way to solve this problem is through diplomatic channels. That is the way the coalition was created. That is the way the commitments were made. They are not behind. They are being paid in. There is about $16 billion in right now.

Let us stick with this coalition, this unprecedented international cooperation, and vote this amendment down.

Mr. WHITTEN. Mr. Chairman, I yield myself 1 minute.

What if we went outside and saw in the newspaper that Japan had lied and then we came back and said, "If you folks don't pay, you'll wish you had"?

This is not the way to legislate. Let us turn this down, and not threaten these countries.

Mr. CHAPMAN. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, in response to the gentleman on the other side of the aisle, Japan is 70 percent dependent on oil from the Persian Gulf. Germany is 50 percent dependent. The United States is about 10 percent dependent upon oil from the Persian Gulf. Yet we fulfilled our pledges, our promise, to repeal Iraqi aggression and free Kuwait 100 percent. Now it is time to make certain that Japan, Germany, and the others honor theirs.

The last thing I want to do as we prepare to welcome home our troops, the young men and women who served in the gulf and won the war, is to hand them a bill for the war they just fought. So, if my colleagues think that the first welcome-home present should be a bill, then do not vote for this resolution. If my colleagues want to ask our allies to share the burden and to pay up for once, like they never do in international trade when they sign these agreements and do not live up to them, then vote for this resolution.

Mr. CHAPMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I really believe that the allies have not paid their fair share. I would not be on the floor today. We liberated Kuwait because of the naked aggression of Saddam Hussein and because of the oil dependence of the world in that region. Two-thirds of the reserves are in the Persian Gulf area. Yet the United States—let us be honest about it—the United States provided the lion's share of the brave men and women in the armed forces, and our taxpayers essentially picked up the tab.

Now it is true that we are dependent on that region. But our European allies as a whole are 40 percent dependent on that region, and Japan is more than 65 percent dependent on that region, and yet our allies are not paying their fair share, and they are not paying in cash essentially. They are paying in services and trickling in with equipment, and this was not just America against Iraq and Saddam. This was the world against Saddam.

Mr. Chairman, every member of this coalition ought to pay their fair share, and I support the amendment of the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, I simply want to say that on April 15, the American taxpayers will write a check. This resolution provides that our allies should do nothing more than make their commitments and arrange a payment schedule by that same time. There are no direct threats here, but, if the American people fought this war, and we did, paid with our lives, our equipment, our soldiers, the least we can do is ask our allies to live up to their commitments.

Mr. Chairman, I urge the adoption of this resolution and yield back the balance of my time.

Mr. WHITTEN. Mr. Chairman, I wish my colleagues would rely on the words in the committee report. This language just asks them to pay. That is what I believe. We would have more money if we did not threaten them.

Mr. Chairman, I hope my colleagues turn this down. I agree with everything that my colleagues have said about the desire, the need, and the obligation. I just figure we get more money if we do not threaten.

Mr. Chairman, I yield back the balance of my time.

Mr. PURSELL. Mr. Chairman, I yield back the balance of my time.

Mr. CARR. Mr. Chairman, this war with Iraq has cost the United States the lives of almost 100 brave Americans and almost $70 billion.

Today we are asked to pay $15 billion of that cost, while our allies argue over who will pay what, and how we can spend the money they do give us.

The allies were quick to make their financial commitments, just as America was quick to commit the lives of our soldiers. Together, they have pledged over $53 billion.

Among those pledges are:

Saudi Arabia: $16.8 billion.

Kuwait: $16 billion.

United Arab Emirates: $4 billion.

Germany: $6.5 billion.

Japan: $10.7 billion.

They were quick to promise, just as we were quick to put American lives on the line in the Iraqi desert.

But the allies have not been quick to fulfill their commitments.

I understand why the Kuwaitis, which just recovered control of their country, have paid only one-fourth of their commitment.

But I do not understand why nations such as Japan and Germany, nations which did not send troops, have paid too little.

Germany has paid only $3 billion of their promised $6.5 billion—less than half.

Japan has paid just over $1 billion out of the more than $10 billion they pledged, and to that they have attached conditions about how we can spend it.

There are Members who proposed more drastic action to compel our allies to meet their commitments. I support such legislation, if it proves necessary.

It is my hope that we will adopt this sense-of-the-Congress resolution, and that our allies will take notice, and pay what they owe.

When the United Nations made in effect a declaration of war, committing American troops to combat, the Security Council did not debate the cost of this war to the Government of the United States;

They did not debate how the financial cost would be shared, and they did not ask for an appropriation from the Congress of the United States.

But this Congress did not shrink from supporting the coalition, and granted to the President the authority he needed to make war.

I hope our allies will not shrink from their responsibilities, and will agree to honor their commitments by April 15, the day on which the American people will be asked to make their contribution to the cost of this war.

Please support the Chapman amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. CHAPMAN], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CHAPMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment, as amended, was agreed to.

□ 1900

AMENDMENT OFFERED BY MR. SLATTERY

Mr. SLATTERY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SLATTERY: Page 33, after line 19, insert the following:

SEC. . Notwithstanding any provision of the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1991, none of the funds appropriated or otherwise made available by that Act or by any other Act may be used for the restoration of the birthplace of Lawrence Welk.

The CHAIRMAN. Pursuant to the rule, the gentleman from Kansas [Mr. SLATTERY] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Mr. WHITTEN. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTEN] claims the time in opposition.

The Chair recognizes the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I know that my colleagues are anxious to get out of here this evening, and so am I. I will be very brief.

First of all, I would like to thank my friend and colleague, the gentleman from Ohio [Mr. KASICH], for his tireless work in helping me advance the effort to repeal this $500,000 appropriation.

Let me just remind my colleagues that we are talking about a very simple amendment. We are talking about deleting $500,000 that was included in the Agriculture, rural development, and related agencies appropriations bill that was passed last year. This money, as the Members may recall, was included in a conference commit-

tee report in the late hours of the session. It did not receive any review by the House committee, by a subcommittee, or by a State committee or subcommittee meeting by itself.

Furthermore, Mr. Speaker, I would just point out that at the time this amendment was added to the bill that I just referred to, the rest of the Congress was working literally day and night trying to find enough money to reduce the deficit and come to an agreement on a very important deficit reduction package. I hope that with the passage, Mr. Chairman, of this amendment this body will send a very important message, and that is that we would like to change the way we do business in the late hours of a session around here.

I would just point out that the National Taxpayers Union, the Citizens for a Sound Economy, and over 100 of my colleagues have joined in cosponsoring this legislation.

Mr. Chairman, I yield two minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I rise today in strong support of Congressman SLATTERY's amendment and Congressman KASICH's amendment to eliminate funds to restore the birthplace of Lawrence Welk.

Now that the war in the Persian Gulf is over, we must concentrate our energies and resources on controlling our Nation's budget. We no longer can afford projects that have little or no merit. With our national debt hovering above $3 trillion, we only have funds for programs that are absolutely essential, not only desirable.

Can anyone in this body argue seriously that restoring the birthplace of Lawrence Welk is absolutely essential to our Nation?

The average taxpayer will labor 125 days, from January 1 to May 5, to satisfy all Federal, State, and local tax obligations.

I'm sorry, but few people in central Florida would want to work a week to restore the birthplace of Lawrence Welk.

The time is now to redeem promises once made to the American people by a Presidential candidate early in this century. He said:

> * * * For three long years I have been going up and down this country preaching that government—Federal, State, and local—costs too much. I shall not stop that preaching. As an immediate program of action.* * * we must eliminate unnecessary functions of government. * * *.
>
> * * * We must consolidate subdivisions of government and, like the private citizen, give up luxuries which we can no longer afford.

Those were Franklin D. Roosevelt's words as he accepted the Democratic nomination for President in 1932.

With the unity and national spirit brought about by the end of the war, now is the time for Congress to seize the initiative. We need to put our Nation's fiscal house in order and restore consumer confidence.

This amendment is a tremendous opportunity to make a statement about unnecessary spending. It is a statement consumers want to hear and our economy needs to hear.

I encourage all of my colleagues to support the Slattery amendment.

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

Mr. Chairman, may I say that there is some misinformation here. These grants are authorized by law. This item was added by the Senate subcommittees and approved by their full committee, and the full Senate. I chaired the conference committee and this was considered in the conference. I chaired the conference, so it is a mistake to say it was added in the conference.

May I say that we have a national program in which we have tried to help communities throughout the country. I have some mighty good friends from North Dakota, folks that I have served with, Mr. DORGAN and others. They are the best ones to decide how they wish to do those things.

I know that my friend, the gentleman from Kansas, means well. Now, this committee received this letter on March 5, from the gentleman. He wants us to add $5 million for a project in Kansas for—what is it? What is the word here? Oh, this is for the hall of fame in Kansas. But he is against this rural development project in North Dakota. I just cannot understand his position.

Mr. SLATTERY. Mr. Chairman, will the chairman of the committee yield to me?

Mr. WHITTEN. Yes; I yield to the gentleman from Kansas.

Mr. SLATTERY. I would like to have an opportunity to respond to that. The point I would make here is that the problem we have is that we are talking about going into a conference committee where we do not go through the whole legislative process to give Members an opportunity to be heard at the committee level. Yes, I will tell the chairman that I certainly have made requests, and I will continue to make requests, but I expect to go to the gentleman's subcommittees and go through the complete process to be heard. I expect I will have difficulty also in getting some of my requests responded to.

Mr. WHITTEN. I will not list the many things we have put in our bill for Kansas, but I could. It is quite a large number, and I do not say that to be complaining.

I want to say to my colleagues that since we started meeting local needs with Federal programs, the wealth of this country has increased 41 times. I am for looking after each of the States. They are all part of the country. The people in the States and the people of the Nation, are the same people. I just say that I treat folks from North Dakota like they wish to be treated, and I will tell the gentleman he will be treated fairly, whatever happens here.

Mr. SLATTERY. Mr. Chairman, I know the chairman of the committee has already treated me fairly, and for that I am always grateful.

Mr. WHITTEN. We mean to do that. As I mentioned before, these grants are authorized by law. The grant was added by the Senate subcommittee, it was approved by their full committee and by the full Senate. It was approved by the conference committee. The grant was considered in the normal legislative process. I would also point out that $5 million for a hall of fame in Kansas is a whole lot more than $500,000 for North Dakota, and I think the Senators from North Dakota are the best judges of what they want in North Dakota. I think they are better judges of that than I am.

Mr. SLATTERY. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I want to compliment my colleague, the gentleman form Kansas [Mr. SLATTERY].

No issue caused us as much grief in the country last year as this issue of the money for the Lawrence Welk home. It may be a valued project, but what was concerning me was that the process was never publicly debated at all, and the fact is that at least from the American people, as we were going through this budget debacle last year, we took the blame for almost all the economic travails of this country because of this particular project.

I understand the concerns that the gentleman from Mississippi has. I just say that this caused us so much grief that I think it ought to go through the normal reauthorization process.

Mr. WHITTEN. Mr. Chairman, if the gentleman will yield, the gentleman was not in the conference, but this was certainly in the subcommittee and was accepted by the full committee. It was in the conference, and we went along with the fact that they were the best judges of how to spend this money. We did as we have always done for various States.

Mr. GLICKMAN. Mr. Chairman, I under the gentleman's position, but this did cause us a lot of unnecessary embarrassment, and I just think the gentleman is correct in his statement.

□ 1910

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, this amendment by Mr. SLATTERY is an attempt to use one provision out of a mountain of similar provisions in last year's appropriations bills to try to demonstrate that the appro-

priations process doesn't provide for careful hearings, and for considered judgment on some of the individual projects that are funded. They maintain and I agree that some Federal spending is wasteful.

Last year, I stood on the floor here in Congress and said that even though some $80 million was scheduled to be spent in my congressional district on the MX Rail Garrison Program, I felt the program was a waste of money, and it should not be built. It was not built, and that money was not spent in North Dakota.

I think I have demonstrated a willingness to take the right medicine when it comes to dealing with funding for programs and projects that are inappropriate even those in my home State. On the specific project referred to in Mr. SLATTERY'S amendment, there was report language last year seeking $500,000 for that project. I indicated last year publicly that I had supported some seed money for that project of $75,000, but that I thought $500,000 was excessive. I reiterate that position today. I would support an amendment that would restrict to $75,000, the money used for that project, and I intend to offer that as an amendment to the Slattery amendment.

I would like to make a couple of other observations, however. The Slattery amendment, if left unchanged, not only prohibits the use of any money designated for this project last year. But, it says that none of the funds appropriated by the act last year, or by any other act may be used for this project. It would in effect say to the people who are involved in this project, you are not eligible to apply for any grant or any opportunity that might be used to advance your project. I think that puts this project at a disadvantage to every other project in the country. I don't think that is what the gentleman from Kansas should intend to do.

This project has been referred to as the Lawrence Welk birthplace project. In fact, the project in south central North Dakota is a project that is a German/Russian heritage interpretive center project that is being completed with enormous effort and commitment of funds from the local area. And is one that is being constructed in the part of North Dakota that has been economically devastated by drought in the past several years.

I wanted to point that out because I think to refer to this as simply Lawrence Welk's birthplace project is not describing for our colleagues the inaccurate picture of what this project is to south central North Dakota.

The project is not to restore the Welk home. That has been done with private funds. This project, as part of a rural development project establishes a German/Russian interpretive center in that part of North Dakota. The bulk of the money will be used for that purpose.

Again, having said all of that, I want the gentleman from Kansas to understand that I have demonstrated on a number of occasions, last year on the MX rail garrison project as I referred to earlier, and also more recently on this specific project a willingness to take the medicine to reduce spending where I felt it was appropriate. I will once again state I felt $75,000 was appropriate for this project as seed money for what I felt was a worthy project.

I would like to offer a proposition to the House of Representatives. If you intend to proceed with this action on projects of this type, I want to offer an amendment today to add to the list of projects for proposed funding cuts. I present the following five projects to be added to the proposal as an amendment.

First, a $590,000 appropriation in the interior bill for a new visitor center at the Fort Larnad National Historic Sight in Larnad, KS. The National Park Service rejected the new center in its long-term plans having concluded that the existing facility was adequate, and the money was added last year in the Senate.

Second, $150,000 for a study to determine the feasibility of a Pony Express Vistor Center for the Maryville or Hollenberg, KS.

Third, $100,000 for a feasibility study for Wilson Lake, KS.

Fourth, $516,000 for the restoration of the McKinley Home in Ohio which was actually owned by former President McKinley's in-laws.

Fifth, $3.731 million in 1991 for the Throck Morton Plant Science Center at Kansas State University. Funding for this facility was provided even after the feasibility study conducted in 1987 by the USDA concluded that "funding for the proposed plant science center is the responsibility of the State of Kansas, and should not require an appropriation of Federal funds."

It seems to me entirely inconsistent that those who profess to be interested in cutting unnecessary Federal spending are interested only in limiting that to a single project in a State that has only a single vote here in Congress. They have now demonstrated an unwillingness to consider cutting other projects that were added in exactly the same manner to appropriations bills last year—some of which have been recommended not to be funded by the executive agencies and all of which have had no hearings, and no serious discussion. I can only conclude by the unwillingness to add these projects to this amendment that the action today is not a serious attempt to respond to waste, and not even a first step. It is more likely to generate a little press than a little progress.

In its current form, I must vote against the gentleman's amendment because it would not only take the $500,000 away but it would prohibit this project from applying for any Federal funding or Federal grants from any source, and I think that is unfortunate.

Mr. Chairman, it is somewhat incongruous to see my friends from Kansas both speak, and the chairman indicated that the Committee on Appropriations has a letter asking for a one-time appropriation of $5 million for an expansion of a National Agricultural Hall of Fame located in Bonner Springs, KS. That is 10 times the amount of money we are talking about here. I do not have the foggiest idea whether this is a good project or it is not a good project.

But this notion that what is in your district is waste, and what is in my district is fine, is a notion that we ought to explore in some depth, it seems to me. I would like to at least illuminate a few facts.

First of all, we are not talking about money to restore Lawrence Welk's home. That has been done. It has been done with local money. What they are talking about in the south central portion of North Dakota is a German-Russian interpretive center designed to attract and develop tourism and jobs in the area of the State that has been devastated for 4 years by drought. It is the single biggest area of the State that has been devastated economically by drought.

Nobody needs to talk to me about waste. Last year I stood up here early in the year and opposed $80 million in funding in my State for the MX Rail Garrison Program, and took a fair amount of flack back in North Dakota for opposing that $80 million. It was not spent in my State, because the MX Program was scrapped.

On this particular project last year, I indicated that I supported a sum less than the money that was ultimately appropriated, much to the consternation of people in my district as well. I said that publicly and in my district when the money was put in the bill.

So I do not have to be lectured about waste. I have spoken what I have spoken in my district.

But this amendment goes far beyond that. This amendment says that this project shall not accept these funds or be eligible for any other appropriated funds under any other act. That is far beyond the pale, it seems to me.

Let me just demonstrate the problem with this approach. I would like to offer an amendment that demonstrates the problem, if I might, an amendment that will do the following five things.

I would ask that we add as an amendment, and I will make that in order, move the amendment, the following five projects: a $590,000 appropriation in the Interior bill for a new visitors center at Fort Larned National Historic Site in Larned, KS, one the Park Service rejected, saying the existing facility center was adequate; $150,000 to determine the feasibility of a Pony Express visitors center in Marysville or Hollenberg, KS; $100,000 for a feasibility study for Wilson Lake, KS; $516,000 for restoration of the McKinley home in Ohio, which was actually owned by former President McKinley's in-laws; and, finally, $3,731,000 for the Throckmorton Plant Science Center at Kansas State University, funding for which as a result of the feasibility study should have been, according to the study, the responsibility of the State of Kansas.

I simply offer these as a demonstration of the trouble we get into in evaluating these projects, and I ask the amendment be considered by the House as an addition to the Slattery amendment.

Mr. Chairman, I offer the amendment that I have just described.

The CHAIRMAN. There is an amendment pending by the gentleman from Kansas [Mr. SLATTERY].

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA TO THE AMENDMENT OFFERED BY MR. SLATTERY

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota to the amendment offered by Mr. SLATTERY:

At the end of the amendment, insert the following.

(RESCISSIONS)

SEC. 305. (a) Of the funds provided in the Department of the Interior and Related Agencies Appropriations Act, 1991, the following funds are hereby rescinded from the following accounts in the following amounts:

Department of the Interior, National Park Service, Construction, $590,000 that was to be used for a visitor center at Fort Larned National Historic Site, Kansas; and

Department of the Interior, National Park Service, Operation of the National Park System, $150,000 that was to used for general management plans for Pony Express; $125,000 that was to be used for general management plans for Wilson Lake, Kansas; and $516,000 that was to be used for Statutory and Contractual Aid for the William McKinley Memorial.

(b) Of the funds provided in the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1991, the following funds are hereby rescinded:

Agricultural Programs, Cooperative State Research Service, Buildings and Facilities, $3,731,000 that was to be used for the Throckmorton Plant Science Center, Kansas State University, Kansas.

Mr. DORGAN of North Dakota (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

POINTS OF ORDER

Mr. SLATTERY. Mr Chairman, I make a point of order.

The CHAIRMAN. The gentleman from Kansas [Mr. SLATTERY] will state his point of order.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. SLATTERY. I will be happy to yield to my friend, the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Chairman, let me just observe that if the gentleman from Kansas [Mr. SLATTERY] insists on a point of order, he is insisting on a point of order on projects that are identical to the projects that he is bringing to the floor under a waiver of a point of order he sought in the Committee on Rules in order to get it here in the first place. The waiver of the point of order necessary to get it here was requested of the Rules Committee, and he is asserting a point of order against the same kind of projects now.

Mr. SLATTERY. Mr. Chairman, reclaiming my time, my point of order, Mr. Chairman, is that the amendment by the gentleman from North Dakota [Mr. DORGAN] is out of order. Let me just further respond by saying that none of the projects that the gentleman mentioned, none of them, save the Throckmorton project, is anything I had anything to do with. The Throckmorton project is something that, as far as I am concerned, has gone through the process.

All I am saying is that in the future, projects should be considered on their own merit. Everything that I have done around here, that I have been personally involved with, has gone completely through the process.

That is the thing that I am objecting to, is the fact that the process is sometimes circumvented. I would just point out to my friend, the gentleman from North Dakota [Mr. DORGAN], that if people over on the other side, in the other body, want to do things that in my opinion are not being done properly, that is a matter that the gentleman can deal with. If the gentleman would like to introduce legislation to deal with some of these projects, I would be happy to visit with him about that.

Mr. WHITTEN. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman from Mississippi will state his point of order.

Mr. WHITTEN. Mr. Chairman, I would make the point of order on the point of order that has been reserved, that this would be legislation on appropriation bills, and for that reason would be subject to a point of order.

The CHAIRMAN. The Chair understands that. Does the gentleman from Ohio [Mr. KASICH] wish to be heard on the point of order as well?

Mr. KASICH. Mr. Chairman, I would like to make a point of order that I would be delighted to consider an additional number of pork barrel projects, including any that you have in Ohio, that get done this way. I understand the objection. We are probably going to lose this amendment based on a parliamentary technique. But I want to tell the gentleman, that if he wants to join us in our effort to include more projects like this, I encourage him to do it. I welcome it. I am not here to preserve any of these projects. I think that if we took votes on these in this House, one after another, including bicycle paths that cost money, and trips down canals in Florida, I welcome it.

Mr. SLATTERY. Mr. Chairman, I just want to say to my friend, the gentleman from North Dakota [Mr. DORGAN], I welcome his involvement also.

The CHAIRMAN. The Chair controls the debate on questions of point of order. The Chair is prepared to rule.

It is clear to the Chair that the amendment offered by the gentleman from North Dakota [Mr. DORGAN] is legislation on an appropriations bill, and therefore the point of order against its consideration is sustained.

Mr. SLATTERY. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I want to make it clear with this effort tonight, that there is some confusion about what our intent here is. The intent of the gentleman from Kansas and myself has never been just to zero in on the Lawrence Welk home. Our intent was to establish a precedent, a shot across the bow, as I said earlier today, that these projects that end up being paid for by taxpayers, inserted in the last moment, not going through the normal legislative procedure, are something we object to.

I want to say to my friend, the gentleman from North Dakota [Mr. DORGAN], I do not take issue with him or his project. What I am suggesting is that this procedure is very bad. I think the Congress overall does not want these kinds of projects to be approved.

Now, why did we pick on Lawrence Welk? I will be very clear about it. Because it was the one that got the visibility, where we felt we would have the greatest chance of success here.

But this is not the end of it, as far as I am concerned. I would like to continue to work with the gentleman from Kansas, along with other Members of this House, to look at all these different projects. But we wanted to be politically smart, and that is to come to the floor with a chance of success.

I have been here for 9 years now, and I have never seen a vote on an individual project like this. I think the Committee on Rules should be commended for their bipartisan decision to let us have a chance to vote on this thing. I would hope that we could get a band together of Republicans and Democrats alike who want to send the message that these kinds of spending programs do not make sense.

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Some of my colleagues have said this is an important thing. The issue here is not just Lawrence Welk. It is a variety of programs and projects, and I hope we can expand the list.

Mr. BROOMFIELD. Mr. Chairman, last fall we told the American people that every effort had been made to slice fat from the budget. Yet, after all of our assurances that we were on a fat-free diet, Congress couldn't resist voting for half a million dollars to renovate the birthplace of Lawrence Welk. It is no wonder that we have a credibility problem here on Capitol Hill.

The Lawrence Welk appropriation and other equally shameful pork barrel projects confirm that fiscal responsibility is needed now more than ever. Today, thanks to Mr. SLATTERY's amendment to the supplemental appropriations bill, we have an opportunity to restore taxpayer confidence in our pork-cutting abilities. Mr. SLATTERY's amendment would repeal

the half a million dollar appropriation for refurbishing Lawrence Welk's home.

Nothing against Lawrence Welk but it is time to draw the line. I strongly support Mr. SLATTERY's amendment and urge my colleagues to do the same.

Let's show the American people that the days of cheating on our diet are past. Surely, it is time.

Mr. KLECZKA. Mr. Chairman, Congress is conducting its Lawrence Welk encore, and I am hopeful that reviews for our sequel performance will be more flattering than those we received for the original.

I rise in support of my colleague, Congressman SLATTERY, and his amendment to prohibit expending the $500,000 included in the 1991 agriculture appropriations bill to renovate Lawrence Welk's North Dakota birthplace.

Many of us in this body, and many of our constituents, were rightly outraged last year when the Senate added a half-million dollars for this dubious project.

I have nothing against Mr. Welk. In fact, my sister, Mary Ann Flaggs, religiously watches the reruns every Saturday night. However, a $500,000 appropriation to restore his birthplace cannot be justified—especially during this time of recession and severe budget constraints. Further, it's reported that Mr. Welk's family did not ask for the money, and is embarrassed by the controversy surrounding it.

I urge my colleagues to join in supporting this amendment. And to this waste of precious and scarce Federal money I say "good night, sleep tight, and pleasant dreams to you."

Mr. RAY. Mr. Chairman, I rise today to urge support for the amendment being offered by the gentleman from Kansas [Mr. SLATTERY].

I have just come from a meeting between several of my colleagues and senior officials of Farmers Home Administration. During this meeting we discussed the utter devastation that many of our farmers have faced because of the severe droughts, and inclement weather conditions across the South.

We also discussed the prospects for a supplemental appropriations bill which would include funding for disaster assistance.

Mr. Chairman, we are having to fight tooth and nail to fund programs which individuals desperately need, and yet $500,000 was included in the fiscal 1991 Agricultural Appropriations Act to restore the home of an entertainer, Mr. Lawrence Welk.

Mr. Chairman, I would ask the Members of this body to give careful consideration to what they consider national priorities.

I urge my colleagues to support Mr. SLATTERY's amendment and rescind this inappropriate spending measure.

Mr. FAWELL. Mr. Chairman, I rise to express my strong support for the Slattery amendment rescinding $500,000 appropriated for establishing a museum and tourist center at Lawrence Welk's birthplace.

The arguments for eliminating funding for this project have been well articulated by my colleagues, and are well known to the American people. Many of my constituents have contacted me asking that no Federal funding go toward this project.

What has received less attention, however, is that for every appropriation like this one that is rescinded, there are dozens of others that are just as egregious that get funded, such as the $19 million grant studying flatulent cows' effects on global warming, A $3 million fish farm, and countless others.

I note that these kinds of expenditures have strikingly similar beginnings: They are often born in the dark of night, behind closed doors, in a 2,000-page unprinted omnibus bill no one has seen—let alone read—in the waning hours of the Congressional session. Appearences suggest the projects cannot stand the light of day; they are added without hearings, without authorization, without administration request, without competition and peer review, and without floor debate. They are usually at the request of an individual member.

In relation to the Government's massive deficit and near quarter of a trillion debt, an amendment cutting $500,000 may seem insignificant. But, it is significant to the 122 American families who worked an entire year to pay $500,000 in Federal taxes. Moreover, this amendment is very significant in that it is a beginning. A beginning of the end of business as usual with the way Congress spends taxpayers' money. A beginning of an effort to rescind billions of dollars in pork-barrel expenditures. As Senator Everett Dirksen said, "a billion here and a billion there and pretty soon you're talking about real money."

Mr. SLATTERY. Mr. Chairman, I yield back the balance of my time.

Mr. WHITTEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. SLATTERY].

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 71, noes 11.

Mr. WALKER. Mr. Speaker, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred Members are present, a quorum.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Dire Emergency Supplemental Appropriations for Consequences of Operation Desert Shield/Desert Storm, Food Stamps, Unemployment Compensation Administration, Veterans Compensation and Pensions, and Other Urgent Needs Act of 1991".

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. ECKART, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 1281) making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that the quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 365, nays 43, not voting 25, as follows:

[Roll No. 35]

YEAS—365

Abercrombie	Browder	DeLay
Ackerman	Brown	Derrick
Alexander	Bruce	Dicks
Anderson	Bryant	Dingell
Andrews (ME)	Bustamante	Dixon
Andrews (NJ)	Byron	Dooley
Andrews (TX)	Camp	Doolittle
Annunzio	Campbell (CA)	Dorgan (ND)
Anthony	Campbell (CO)	Dornan (CA)
Applegate	Cardin	Downey
Aspin	Carper	Dreier
Atkins	Carr	Early
AuCoin	Chandler	Eckart
Bacchus	Chapman	Edwards (CA)
Barnard	Clay	Edwards (OK)
Barrett	Clement	Edwards (TX)
Bartlett	Clinger	Emerson
Bateman	Coleman (MO)	Engel
Beilenson	Coleman (TX)	English
Bennett	Collins (IL)	Erdreich
Bentley	Collins (MI)	Espy
Bereuter	Condit	Evans
Berman	Conyers	Fascell
Bevill	Cooper	Fawell
Bilbray	Costello	Fazio
Bilirakis	Coughlin	Feighan
Bliley	Cox (CA)	Fields
Boehlert	Cox (IL)	Fish
Boehner	Coyne	Flake
Bonior	Cramer	Foglietta
Borski	Cunningham	Ford (MI)
Boucher	Darden	Frank (MA)
Boxer	Davis	Franks (CT)
Brewster	de la Garza	Frost
Brooks	DeFazio	Gallegly
Broomfield	DeLauro	Gallo

Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (IL)
Hefner
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Hoyer
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Sabo
Sanders
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—43

Allard
Archer
Armey
Ballenger
Barton
Bunning
Burton
Coble
Combest
Dannemeyer
Dellums
Dickinson
Duncan
Goodling
Grandy
Hancock
Hansen
Hayes (LA)
Hefley
Houghton
Hubbard
Huckaby
Kolbe
Lewis (FL)
Moorhead
Nussle
Oxley
Panetta
Penny
Petri
Roberts
Roth
Russo
Santorum
Savage
Sensenbrenner
Shuster
Smith (OR)
Stenholm
Stump
Thomas (WY)
Upton
Walker

NOT VOTING—25

Baker
Callahan
Crane
Donnelly
Durbin
Dwyer
Dymally
Ford (TN)
Gradison
Henry
Ireland
Levine (CA)
Madigan
McCrery
Miller (OH)
Mrazek
Murphy
Ortiz
Porter
Pursell
Roybal
Sangmeister
Udall
Weiss
Wilson

□ 1942

Mr. COBLE changed his vote from "yea" to "nay."

Mr. HERTEL and Mr. BEILENSON changed their vote from "nay" to "yea."

The Clerk announced the following pairs:

On this vote:

Mr. Weiss for, with Mr. Henry against.

Mr. Ireland for, with Mr. Pursell against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill and joint resolutions of the House of the following titles:

H.R. 180. An act to amend title 38, United States Code, with respect to veterans education and employment program, and for other purposes;

H.J. Res. 98. Joint resolution designating March 4 through 10, 1991, as "National School Breakfast Week";

H.J. Res. 104. Joint resolution to designate March 26, 1991, as "Education Day, U.S.A."; and

H.J. Res. 167. Joint resolution designating June 14, 1991, and June 14, 1992, each as "Baltic Freedom Day".

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1315, RESOLUTION TRUST CORPORATION FUNDING ACT OF 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–13) on the resolution (H. Res. 105) providing for the consideration of the bill (H.R. 1315) to provide additional funding for the Resolution Trust Corporation, which was referred to the House Calendar and ordered to be printed.

NOTIFICATION TO MEMBERS ON OFFERING AMENDMENTS TO H.R. 1175, NATIONAL DEFENSE SUPPLEMENTAL AUTHORIZATION ACT FOR FISCAL YEAR 1991

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

Mr. MOAKLEY. Mr. Speaker, I rise today to notify members of the Rules Committee's plans with respect to H.R. 1175, the National Defense Supplemental Authorization Act for Fiscal Year 1991.

The committee plans to meet next Tuesday, March 12, to take testimony on the bill. To assure fair and timely consideration, the committee is considering a rule that may structure the offering of amendments.

Mr. Speaker, any Member who contemplates offering an amendment to the bill should submit 35 copies of the amendment and a brief explanation by 5 p.m. on this Monday, March 11. The committee offices are in H–312 in the Capitol.

Mr. Speaker, I have sent a "Dear Colleague" letter to all offices explaining our intentions on this bill. We appreciate the cooperation of all Members in our effort to be fair and orderly in granting a rule.

PERSONAL EXPLANATION

Mr. WEISS. Mr. Speaker, I asked that the vote be held so that I could get over here. Just as I walked through the door, the machines were closed. Had I been able to vote, I would have voted "yea" on the last vote.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include therein tabular and extraneous material on the bill, H.R. 1282, making supplemental appropriations and transfers for Operation Desert Shield/Desert Storm for fiscal year 1991.

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

There was no objection.

OPERATION DESERT SHIELD/DESERT STORM SUPPLEMENTAL APPROPRIATIONS ACT, 1991

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1282) making supplemental appropriations and transfers for Operation Desert Shield/Desert Storm for the fiscal year ending September 30, 1991, and for other purposes;

and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania [Mr. MCDADE] and myself.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1282, with Mr. GLICKMAN in the chair.

□ 1950

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

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

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

Mr. WHITTEN. Mr. Chairman, in last year's act making the first supplemental appropriation for Operation Desert Shield we included authority to establish an account—the defense cooperation account—into which foreign governments and others could make contributions to offset the U.S. cost of the Persian Gulf operation. We required that any funds deposited in that account be made available only in a subsequent appropriation bill.

The request now before the committee from the executive branch is to establish a working capital fund with a $15,000,000,000 appropriation from the general fund which would then be available for transfer to any DOD appropriation account by the Secretary of Defense, with the approval of OMB. The request also proposes to amend the law establishing the defense cooperation account to permit the Secretary of Defense, with the approval of OMB, to transfer funds from that account to any DOD appropriation account.

The bill before the committee today does establish a new account—the Persian Gulf regional defense fund—into which not less than $27,588,372,000 is transferred from the defense cooperation account and $15,000,000,000 is appropriated from the general fund of the Treasury. The bill requires defense cooperation account moneys to be used before the U.S. appropriation can be used.

Appropriations are then, by transfer, made to 18 separate accounts to pay the incremental costs of the Department of Defense and the Coast Guard associated with the war in the Persian Gulf.

Thus, the committee and the Congress retain the normal prerogatives over appropriations.

Mr. Chairman, this is a good bill, and I urge it be adopted.

Mr. McDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. MCDADE. Mr. Chairman, I rise in strong support of the supplemental for Desert Storm. And I want to pay special tribute to the chairman of the Defense Subcommittee, my colleague from Pennsylvania, the Honorable JACK MURTHA.

My friend and colleague's leadership and foresight on defense issues over the years contributed markedly to the readiness and quality of the forces we sent to the gulf.

And then, over the past 7 critical decision months, the gentleman from Pennsylvania [Mr. MURTHA] played a crucial role in forging support in the Congress for the President's remarkable policy, which has liberated Kuwait and brought Saddam Hussein to heel.

The gentleman from Pennsylvania has done us all proud.

Mr. Chairman, anyone who was in this Chamber last night, anyone who watched President Bush's address, could not help but be moved, moved to the very marrow of their bones, as we watched the President and his First Lady, Barbara, report to the Nation on their stewardship of the Persian Gulf crisis.

Watching them, I could not help but reflect on the countless solitary decisions they have confronted at this critical juncture of world history—decisions made alone; decisions made correctly.

And I do not mean to imply that this President was acting in a solitary, sequestered fashion.

In the 29 years that I have served in this body I have not seen any Chief Executive reach out as this one did—to the Congress, to the country, to the world—in forging a coalition unparalleled in history and which led to the overwhelming rout of Saddam Hussein.

This President has, indeed, set the stage for a new world order. And in so doing, he has taught us all lessons regarding Presidential leadership in times of great peril, which will be studied by historians for decades to come.

As will the firm, calm leadership of our Secretary of Defense, Dick Cheney, Chairman of the Joint Chiefs Gen. Colin Powell, and Gen. Norman Schwarzkopf. And the bravery, skill, and patriotism of the men and women of our all-volunteer military.

Let me focus now on the legislation before us—the Desert Storm supplemental.

Mr. Chairman, even as our military was displaying new and novel ways of combat in the Middle East, events have conspired to create an equally novel situation with respect to the financing of the operation.

We have seen an unprecedented degree of allied burdensharing. Not only did 31 nations send military forces to the coalition against Iraq, many countries have also joined together to pledge their help in defraying the costs of Operation Desert Shield/Desert Storm.

As of today the United States has received over $16 billion in cash and in-kind support from our allies. Over $14 billion in cash contributions have been received by our Government—$2 billion since this past Friday.

And just yesterday, the Japanese Diet, the parliament, gave final approval to its Government's pledge of $9 billion to the operation.

In all, we have had commitments of nearly $54 billion. This is a remarkable effort which underscores the solidarity of the international coalition forged so skillfully by the President and the Secretary of State.

We have pored over the estimates provided by the Pentagon and, by and large, found them to be sound.

The administration estimated all costs short of actual combat to come in at—$40 billion to cover the costs of calling up, deploying, supporting, and bringing the force home.

After review we have shaved this amount by some $3.5 billion.

In addition we have put in the lowest estimate available to cover the additional costs of combat—some $6.2 billion.

As a result, in total, we provide specific appropriations to cover $42.6 billion.

And to give you a feel for how this is broken out—where the actual costs were incurred, and how we allocate this money:

Some $25 billion is for the operations and maintenance accounts—the added training time, flying and steaming hours, repair and maintenance of the air, land, and sea armada that went to the gulf.

An additional $270 million is for spare and repair parts.

Nearly $8 billion is for added personnel costs, the bulk being the callup of over 200,000 Guard and Reserves.

And less than $3 billion is for actual weapons procurement.

The administration had originally asked for $6.4 million in the procurement accounts, to replenish the stocks of smart weapons, of ammunition, of Patriot missiles. They didn't ask for major items like tanks and planes, but expendables—bombs and ammunition.

They asked for $6.4 billion, but because the war was so brief, we were able to pare this amount for weapons, cut it by more than half, to $2.9 billion, based on the best information available going into our subcommittee markup last Thursday.

In short, I think we have produced a solid, lean bill which will meet our military's requirements.

And under the mechanism the chairman described, we have tried to ensure that to the largest degree possible the foreign contributions will cover these costs.

If a U.S. dollar is spent, as soon as a foreign dollar comes in, the U.S. dollar goes back to the fund.

I am confident that our allies will meet their pledges. And in the end, when they do, and if the costs don't change, and we do not think they will change much, under the mechanism we have created the $15 billion we appropriate here today will revert to the U.S. Treasury.

Mr. Chairman, this bill has been reviewed by the administration and has its approval; it meets the valid needs resulting from Operation Desert Storm; and it must be passed with dispatch.

I urge your overwhelming support.

However, I would like to close with a look to the future.

Over the past 7 months since the invasion of Kuwait, our Nation and indeed the world has seen quite a display. And regardless of all the twists and turns, the emotional highs and lows associated with this crisis, without question one shining, bright constant has been the bravery, the skill, and, yes, the leadership and wisdom that the military forces of the United States of America have shown to the world.

The Congress and the American public have been given every reason to be proud of the men and women who've volunteered to serve the Nation in the Armed Forces. They have every right to be proud and I would add—vindicated.

During the 1980's, there were many bruising debates and arguments—many in this very Chamber—over the size and makeup of the defense budget. These were not idle discussions—they were debates made with great passion and conviction.

But the bottom line is that as a Nation we moved to strengthen the military, to improve their hardware and equipment, to support the costs of an All Volunteer Force.

I do not want to make much more of this. But while we pause to praise the performance of our Armed Forces—I think it is more than appropriate to note that even as our forces were dazzling the world, and routing Saddam Hussein's legions—this Pentagon and this President have gone forward with their plans to dramatically cut the military by over 25 percent by 1995.

We are not debating that builddown today—but I must remind all of you that the same military force we are so proud of at this juncture took over a decade to build and hone.

And if we fail to exercise care and restraint in the months and years ahead, we may well tear the fabric of this force apart.

So in the weeks and months ahead, when we move on beyond this supplemental and rejoin the arduous process of building down our defense posture, the Congress needs to break out its precision tools, and not the buzz saw, as we reshape our military in what is without question still a dangerous and uncertain world.

MURTHA PROVISION IN H.R. 1281 CONCERNING THE DEPARTMENT OF LABOR'S HELPER REGULATIONS

H.R. 1281 contains a limitation provision, added by Rep. Murtha, that forbids the Department of Labor from implementing regulations that would change the way helpers (unskilled workers) are treated under the Davis-Bacon Act;

The Davis-Bacon Act was enacted in 1931 to insure that laborers receive a prevailing wage for their work;

Critics say that Davis-Bacon is costly and imposes Federal regulations on local job markets;

For that reason there have been many attempts to overturn or alter the Davis-Bacon Act since its enactment. The most recent attempt to alter the Act began in 1982 and involves a set of DoL regulations that would permit the use of semi-skilled construction workers or "helpers" on federally-funded or assisted construction projects;

The helper regulations, published by DoL in 1982, permitted wider use of semi-skilled, lower paid helpers under the Act. It said lower paid helpers could be used on Federal projects under a broad definition of duties and in a maximum ratio of two helpers for three journeymen if the helper classification was "identifiable" in an area;

The regulations were enjoined in litigation with the Building and Construction Trades Department, AFL-CIO, and a number of other unions in 1982. Subsequently DoL and the unions have spent most of the past eight years waging legal battles over the "helper" issue in the courts;

Last September 24 the District Court lifted the injunction against the DoL helper regulations, saying that the ". . . plaintiffs have failed to show that the regulations are irrational or contrary to the language or purpose of the Davis-Bacon Act. . .". The plaintiffs filed a notice of appeal to the Court of Appeals on October 5, 1990.

The Senate report accompanying H.R. 5257, the FY 91 L/HHS/Ed Appropriations Bill, contained language asking DoL to postpone implementation of the regulation until adequate steps were taken to protect the job opportunities, wages, and fringe benefits of laborers nationwide. On October 31, 1990 Senator Byrd sent a letter to Secretary Dole referencing the Senate language and urging her to postpone implementation of the regulations;

On November 30, 1990 Acting Labor Secretary Roderick DeArment signed the final rule designed to implement the "helper" regulations;

During her confirmation hearing Secretary designate Lynn Martin received requests from several Senators that she postpone implementation of the regulation until the union's appeal was resolved. She stated her intent was to move forward with implementation;

The Administration and DoL have voiced their opposition to the Murtha provision in H.R. 1281 because there is no legal reason why the regulations should not be implemented. A letter from Secretary Martin to Rep. Moakley opposing Murtha's action is attached, as is a copy of the Statement of Administration Policy which also voices opposition to the provision;

During the full committee mark-up Rep. Carl Pursell reserved the right to oppose the provision on the floor;

Rep. Stenholm spoke against Murtha's provision in the Rules Committee and requested an amendment striking it from the bill. Rep. Petri submitted a written statement supporting Stenholm's position;

According to OMB the helper regulation is expected to save about $550 million in budget authority and $178 million in outlays in FY 92. After the regulations are fully implemented, federal construction costs would be reduced by almost $600 million per year in both BA and outlays;

The unions support Rep. Murtha's provision in H.R. 1281;

Previous attempts to weaken the Davis-Bacon Act in the way DoL proposes have met with overwhelming defeat on the House floor;

Arguments in favor of retaining Murtha's provision include:

The unions want the provision retained;

Congress, not DoL, should be the only group to make changes in the Davis-Bacon Act;

The full effect of the proposed DoL regulations have not yet been explored, more time is needed; and

Skilled laborers would be placed at-risk of losing their jobs to less skilled workers willing to work for a lower (less than prevailing) wage.

Arguments in favor of deleting Murtha's provision include:

Secretary Martin and the rest of the Administration want to implement the regulations;

Nine years is enough time for the helper regulations to be debated, if DoL has met the standards of the Courts and has made a good faith effort to work out disagreements with the unions then DoL should be allowed to implement their regulations;

If implemented the regulation could save the federal government $500 million in construction contract costs;

A supplemental appropriations bill is the wrong place for this type of provision.

U.S. DEPARTMENT OF LABOR,
Washington, DC, March 6, 1991.

Hon. JOSEPH MOAKLEY,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: It is my understanding that the Rules Committee will be meeting this afternoon to consider the nature of the rule governing House debate on H.R. 1281, the "Dire Emergency Supplemental." This letter is to express the Administration's strong objection to a Murtha amendment which was accepted yesterday by the House Appropriations Committee in its consideration of H.R. 1281. The Murtha amendment would prohibit the Department of Labor from expending funds to administer regulations governing the use of semi-skilled helpers on federal-financed and assisted construction contracts subject to the Davis-

Bacon and Related Acts (DBRA). (These regulations went into effect on February 4, 1991.) It would also enjoin the Department from promulgating final regulations pertaining to revisions to the apprenticeship programs in the construction industry.

I oppose this amendment and its purposes. I also oppose legislating substantive labor policy in an appropriations bill. An appropriations bill is not the appropriate vehicle for introducing significant reversals in established governmental policies. For these reasons, I am asking that the Committee agree to a rule that provides for an "up or down" consideration of the Murtha language on the House floor.

The issues underlying the DBRA regulations have been examined extensively over the past decade, and the Department's authority to implement them has been sustained through the courts. The objections to these regulations were considered in the courts and were rejected. The helper regulations reflect a longstanding position of the Executive Branch over the last decade.

These regulations set no government-imposed constraints or conditions on construction contractors or construction workers. The employment of helpers is permitted only when their use is the prevailing practice in an area. The regulations do place limits on the ratio of helpers to journeymen to prevent abuses—their use is limited to two for every three journeymen.

Permitting the use of helpers, according to local industry practices, will:

Provide increased job opportunities for semi-skilled workers and encourage their use in a manner which provides training;

Update outmoded practices under Davis-Bacon to more accurately reflect widespread industry practices thereby enhancing private sector competition on Federal construction projects;

Save the Federal government a substantial amount in construction labor costs (estimated to be at least $500 million in FY 1992).

The proposed revisions to the regulations governing the Department's registration of traditional apprenticeship programs were published after two years of research, review, and discussion in an open and public debate on the issues. The purpose was to streamline and update these regulations as part of an overall Departmental program to expand apprenticeship to additional occupations and industries and to maintain and improve the quality of *all* apprenticeship programs. These regulations would require State Apprenticeship Councils to promptly advise a sponsor of a proposed apprenticeship program of a decision on the sponsor's request and furnish an explanation of the decision in the event of a denial. In addition, there would be the right of appeal to the Department of Labor if the request was denied.

The changes proposed in the revised regulations are intended to reduce subjectivity and the opportunity for bias in determining conditions for program registration and in the monitoring of programs. Background information on the helper regulations is enclosed.

When put in place, these revised regulations will:

Ensure that all registered programs meet consistent, high quality standards;

Ensure that all potential program sponsors are treated fairly by setting up a Departmental appeal process;

Establish a uniform Federal standard for registering apprenticeship programs, with allowances for State flexibility for specific State purposes.

In addition, I would point out that these regulations are still in proposed form. We will keep the Congress informed as the rulemaking proceeds.

For the foregoing reasons, the Administration asks that the Rules Committee would grant a rule which allows for the "up or down" consideration of the Murtha amendment.

The Office of Management and Budget advises that there is no objection to the transmittal of this letter from the standpoint of the President's program.

Sincerely,

LYNN MARTIN.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may require to the gentleman from Pennsylvania [Mr. MURTHA], the chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. MURTHA. Mr. Chairman, currently before you is the supplemental bill for Desert Shield/Desert Storm, fiscal year 1991.

Before I explain to the House the contents of this supplemental bill, I would like to make a few comments.

First of all Mr. Chairman, we must never forget that despite the great military success of Desert Shield and the remarkably low number of allied casualties, there were a number of Americans who paid the ultimate price. I am sad to say, Mr. Chairman, that probably no congressional district suffered more casualties than my district, the 12th District of Pennsylvania.

Five soldiers from families in my district were killed in Desert Storm. Four of them died in the SCUD attack that hit the barrack in Dhahran.

I would like to place in the RECORD the names of those five soldiers:

Sgt. John Boxler;

Spec. Frank S. Keough;

Spec. Richard V. Wolverton;

Spec. Stephen Siko; and

Lance Cpl. James E. Waldron.

Second, Mr. Chairman, I would like to salute all of the brave men and women who served in the Persian Gulf. As we say in our supplemental report: The sacrifices they endured; the skill with which they carried out their duties; the courage with which they conducted operations; and the swiftness and totality of their victory is a source of enormous pride to all Americans.

Also, Mr. Chariman, I would like to congratulate the American defense industry for the development and manufacturing of the vast array of equipment that worked so well in Desert Storm. The preciseness of the new generations of weapons enabled us to achieve a rapid decisive victory, while simultaneously minimizing casualties and collateral damage.

Finally, Mr. Chairman, I would like to congratulate the Congress.

There was a vigorous but civil debate.

During the debate, the distinguished Speaker, Mr. FOLEY, delivered one of the most eloquent speeches that has ever been given in this Chamber.

I would like to thank the distinguished minority leader, Mr. MICHEL and the gentleman from New York, Mr. SOLARZ, for the leadership they provided in the passage of the MICHEL—SOLARZ resolution which gave congressional support to the United States resolutions on Kuwait.

Once the majority in Congress had spoken in passage of that resolution, almost everyone who serves in this body rallied around the flag and supported the will of the majority.

SUPPLEMENTAL BILL

With regard to the specifies of this supplemental bill, I will be brief.

It places a ceiling of $42.6 billion on the total funds that can be used to pay the incremental costs of Operation Desert Shield/Desert Storm and allocates these funds by appropriation account.

It appropriates $15 billion in new budget authority to the newly created Persian Gulf regional defense fund.

It places the following restrictions on this fund:

First, the new budget authority can be obligated only after the gift fund money is exhausted;

Second, any balances of new budget authority remaining in the fund unexpended after all expenses have been paid will be returned to the treasury.

Third, as gift fund money is received, the defense fund balance is restored to the $15 billion level.

Fourth, requires that the fuel price increase apply only to fuel consumed in direct support of Operation Desert Shield/Desert Storm.

Also the committee reduced the category of near-term investment costs by $3.5 billion and provided combat costs at the lowest per day rate estimated by the Defense Department, $150 million per day for 42 days

I urge support for this supplemental.

Mr. WHITTEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 1282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1991, and for other purposes, namely:

PERSIAN GULF REGIONAL DEFENSE FUND

(INCLUDING TRANSFERS OF FUNDS)

For incremental costs of the Department of Defense and the Department of Transportation associated with operations in and around the Persian Gulf as part of operations currently known as Operation Desert Shield (including Operation Desert Storm), $15,000,000,000 is appropriated to the Persian Gulf Regional Defense Fund, which is hereby established in the Treasury of the United States, and in addition such sums as nec-

essary are appropriated to such Fund by transfer from current and future balances in the Defense Cooperation Account, such sums so appropriated to the Persian Gulf Regional Defense Fund to be available only for transfer in a total amount not to exceed $42,588,372,000 to the following chapters and accounts in not to exceed the following amounts:

CHAPTER I

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $4,863,700,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy," $797,400,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $983,400,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,278,200,000.

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $16,393,750,000, of which $350,000 shall be available only for the 1991 Memorial Day Celebration.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $3,009,500,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,330,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $4,080,000,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and Maintenance, Defense Agencies", $236,000,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $16,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $55,000,000.

PROCUREMENT

(TRANSFER OF FUNDS)

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft procurement, Army", $7,100,000.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile procurement, Army", $311,900,000.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of weapons and tracked combat vehicles, Army", $26,300,000.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of ammunition, Army", $437,000,000.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other procurement, Army", $30,300,000.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft procurement, Navy", $16,000,000.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons procurement, Navy", $1,065,100,000.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other procurement, Navy", $34,600,000.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $68,000,000.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft procurement, Air Force", $101,200,000.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile procurement, Air Force", $400,000,000.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other procurement, Air Force", $419,100,000.

PROCUREMENT, DEFENSE AGENCIES

For an additional amount for "Procurement, Defense Agencies", $2,700,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

(TRANSFER OF FUNDS)

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $1,200,000.

REVOLVING AND MANAGEMENT FUNDS

(TRANSFER OF FUNDS)

ARMY STOCK FUND

For an additional amount for "Army Stock Fund", $57,000,000.

AIR FORCE STOCK FUND

For an additional amount for "Air Force Stock Fund", $214,000,000.

COMBAT COSTS OF OPERATION DESERT SHIELD/DESERT STORM

(TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary to finance the estimated partial costs of combat and other related costs of Operation Desert Shield/Desert Storm in the following additional amounts: for Operation and maintenance, $5,000,000,000; for Procurement, $1,300,000,000; In all: $6,300,000,000.

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) In administering the Persian Gulf Regional Defense Fund, the Secretary of Defense shall use the corpus of the Fund only to the extent that amounts transferred to the Fund from the Defense Cooperation Account established under section 2608 of title 10, United States Code, are not currently available.

(b) If the balance of the corpus of the Persian Gulf Regional Defense Fund is less than $15,000,000,000, the Secretary shall transfer amounts from the Defense Cooperation Account to the Persian Gulf Regional Defense Fund, to the extent that amounts are available in that Account, to restore the balance in the corpus of the Fund to $15,000,000,000.

(c) For purposes of this section, the term "corpus of the Fund" means the amount of $15,000,000,000 appropriated by this Act to the Persian Gulf Regional Defense Fund from the general fund of the Treasury, as such amount is restored from time to time by transfers from the Defense Cooperation Account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 102. (a) The authority provided in this Act to transfer funds from the Persian Gulf Regional Defense Fund is in addition to any other transfer authority contained in this or any other Act making appropriations for the Department of Defense for fiscal year 1991.

(b) Amounts transferred from the Persian Gulf Regional Defense Fund shall be merged with and be available for the same purposes and the same time period as the appropriations to which transferred.

(c) Amounts appropriated to the Persian Gulf Regional Defense Fund shall remain available until transferred.

(d)(1) Upon payment of all incremental costs associated with the purpose for which the Persian Gulf Regional Defense Fund is established, the Fund shall be terminated.

(2) If the balance in the Fund at the time of the termination is $15,000,000,000 or less, the balance shall revert to the general fund of the Treasury. If the balance in the Fund at the time of the termination is in excess of $15,000,000,000, the amount of $15,000,000,000 shall revert to the general fund of the Treasury and the remaining amount shall revert to the Defense Cooperation Account.

(TRANSFER OF FUNDS)

SEC. 103. (a) For the purpose of adjusting amounts appropriated to the Department of Defense for fiscal year 1991 to reflect changes in expenses due to the order to active duty (other than for training) of members of the National Guard and Reserves in connection with operations in and around the Persian Gulf as part of operations currently known as Operation Desert Shield (including Operation Desert Storm), the Secretary of Defense may during fiscal year 1991 transfer not to exceed $446,000,000 among the fiscal year 1991 Military Personnel appropriation accounts of the Department of Defense.

(b) Amounts transferred under subsection (a) shall be merged with and be available for the same purposes and the same time period as the appropriations to which transferred.

(c) A transfer of funds under subsection (a) is subject to regular congressional reprogramming notification requirements.

(d) The transfer authority in subsection (a) is in addition to any other transfer authority contained in this or any other Act making appropriations for the Department of Defense for fiscal year 1991.

SEC. 104. Of the funds appropriated or made available in this Act, the amount for fuel price increases shall be allocated only to the fuel consumed in direct support of Operation Desert Shield/Desert Storm.

SEC. 105. Any CHAMPUS (Civilian Health and Medical Program of the Uniformed Services) medical provider may voluntarily waive the patient co-payment for medical services provided from August 2, 1990, until the termination of Operation Desert Shield/Desert Storm for dependents of active duty personnel: *Provided*, That the government's share of medical services is not increased during the specified time period.

SEC. 106. Mitchel Field Health Care Facility in the State of New York shall only be funded from the Operation and Maintenance, Navy, appropriation and shall not be funded or included within the congressionally imposed ceiling of the Uniformed Services Treatment Facility account.

CHAPTER II

MILITARY CONSTRUCTION

(TRANSFER OF FUNDS)

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $35,000,000, to remain

available for obligation until September 30, 1994.

CHAPTER III

DEPARTMENT OF TRANSPORTATION

(TRANSFER OF FUNDS)

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", $18,922,000.

This Act may be cited as the "Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991".

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 11, line 10, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any amendments to the bill?

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore. [Mr. FASCELL] having assumed the chair, Mr. GLICKMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1282) making supplemental appropriations and transfers for Operation Desert Shield/Desert Storm for the fiscal year ending September 30, 1991, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. MURTHA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 380, nays 19, not voting 34, as follows:

[Roll No. 36]

YEAS—380

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Bellenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
Derrick
Dickinson
Dicks
Dingell
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Duncan
Durbin
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Patterson
Paxon
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Rahall
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stark
Stearns
Stenholm
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—19

Clay
Collins (IL)
Conyers
Dellums
Flake
Gonzalez
Hayes (IL)
Lewis (GA)
Mfume
Nussle
Owens (NY)
Payne (NJ)
Rangel
Savage
Serrano
Stokes
Towns
Washington
Waters

NOT VOTING—34

Baker
Callahan
Crane
DeLay
Dixon
Donnelly
Dreier
Dwyer
Dymally
Ford (TN)
Gradison
Henry
Ireland
Johnson (CT)
Levine (CA)
Madigan
Martin
McCrery
Miller (OH)
Moakley
Mrazek
Murphy
Ortiz
Parker
Porter
Pursell
Quillen
Roybal
Sangmeister
Staggers
Torricelli
Udall
Williams
Wilson

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So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, I was unavoidably detained and was not present on the House floor for rollcall No. 35 and rollcall No. 36.

Had I been present, I would have voted "yea" on both votes.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I asked for this 1-minute for the purpose of inquiring of the distinguished majority leader the program for the balance of this week and, more important, the program for next week.

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

Mr. MICHEL. Mr. Speaker, I am happy to yield to the majority leader, the gentleman from Missouri [Mr. GEPHARDT], my distinguished friend.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Illinois [Mr. MICHEL] for yielding.

Obviously our business is finished for today. There will not be legislative business on tomorrow.

On Monday, March 11, the House will meet at noon, but there will not be legislative business.

On Tuesday, March 12, the House will meet at noon to consider House Concurrent Resolution 45, permitting the use of the rotunda of the Capitol for a ceremony to commemorate the Days of Remembrance of Victims of the Holocaust and H.R. 1315, the Resolution Trust Corporation funding, modified closed rule, 1 hour of debate.

Wednesday, March 13, the House will meet at 2 p.m. to consider under suspension H.R. 751, the National Literacy Act of 1991, and H.R. 1175, the Desert Storm emergency authorization, subject to a rule.

On Thursday, March 14, the House will meet at 11 a.m., but there will not be legislative business, nor will there be votes.

On Friday, March 15, the House will not be in session.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman from Missouri [Mr. GEPHARDT].

ADJOURNMENT TO MONDAY, MARCH 11, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, March 7, 1991, it adjourn to meet at noon on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

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

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

There was no objection.

MAKING IN ORDER ON WEDNESDAY, MARCH 13, 1991, CONSIDERATION OF MOTION ON H.R. 751, THE NATIONAL LITERACY ACT OF 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, March 13, to consider a motion pursuant to clause 1 of rule XXVII on H.R. 751, the National Literacy Act of 1991.

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

There was no objection.

PERSONAL EXPLANATION

Ms. DELAURO. Mr. Speaker, during rollcall vote No. 29 on H.R. 991 I was unavoidably detained. Had I been present, I would have voted "aye." I ask unanimous consent that my statement appear in the RECORD immediately following rollcall vote No. 29, in the permanent RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

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AGREEMENT BETWEEN UNITED STATES AND AUSTRIA ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. OWENS of New York) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

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.*

NATIONAL AMERICAN INDIAN HERITAGE MONTH

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to announce that I am introducing legislation which will designate November as National American Indian Heritage Month.

Last year, the Congress passed and the President signed into law, for the first time, legislation setting aside a full month for our Nation to recognize and celebrate the American Indians' proud heritage. This year I hope to find support in the Halls of this great Chamber to make the month of November, National American Indian Heritage Month on a permanent basis. I know there is support in both the House and Senate for this step, and I can see as a most appropriate time as we approach 500 years since the arrival of Christopher Columbus in the Western Hemisphere.

This year's legislation gives special recognition to the American Indians' contributions to the United States; the American Indians have also contributed substantially to the entire world in the areas of agriculture, medicine, government organization, linguistics and the arts.

Mr. Speaker, native American culture has been known since prehistoric times for its philosophy of unity of human life, animal life, water, and land. I hope that now, 499 years after the arrival of the culture that so decimated the Indians, and 100 years after our own battles with this culture and people, we can find it only proper to give permanent recognition to the original inhabitants of our great Nation and throughout the Western Hemisphere.

H.J. RES. —

Whereas American Indians were the original inhabitants of the lands that now constitute the United States of America;

Whereas American Indians have made an essential and unique contribution to our Nation, not the least of which is contribution of most of the land which now comprises these United States;

Whereas American Indians have made essential contributions to the world, including prehistoric cultivation and harvesting of corn, squash, peppers, beans, and sweet potatoes, all of which have become mainstays of the American diet;

Whereas the people of the United States should be reminded of the assistance given to the early European visitors to North America by the ancestors of today's American Indians, including knowledge and training provided to the pilgrims in how to plant, fer-

tilize, and cultivate corn, beans, squash, and tobacco; how and where to fish and hunt; how and where to tap maple syrup; and the location of the best routes west.

Whereas the people and Government of the United States should be reminded of the assistance given to this country's Founding Fathers by the ancestors of today's American Indians including the support the original inhabitants provided to George Washington and his troops during the winter of 1777–1778, which they spent in Valley Forge;

Whereas the people and Government of the United States should be reminded that certain concepts such as freedom of speech, the separation of powers in government, and the balance of power within government, all of which were found in the political systems of various American Indian nations, influenced the formulation of the Government of the United States of America;

Whereas the people and Government of the United States should be reminded of the advanced medicines used by American Indians prior to the arrival of Europeans, many of which are still in use today, including quinine for the cure of many ailments; hemlock and pine leaves as a source of vitamine C to cure scurvy; coca leaves to reduce hunger, drowsiness, and thirst; curare, from the vine Chondodendron, as a fast-acting poison for arrow tips (now used as a muscle relaxant and for treating tetanus); and ipecac, from the root of Cephalailis ipecacuanha, to treat dysentery.

Whereas the people and Government of the United States should be reminded of the many words in the English language still in use today, including hickory, moose, raccoon, caucus, tamarack, caribou, maize, canoe, chocolate, chili, pecan, coyote, hurricane, and possibly the expression O.K. (from the Choctaw "okeh");

Whereas the people and Government of the United States should be reminded of prominent American Indian performers, artisans and scholars, including Will Rogers, Jr., actor; Buffy Sainte-Marie, musician; Louis Ballard, composer; Black Elk, philosopher; and Vine Deloria, Jr., author.

Whereas the people and Government of the United States should be reminded of the benefits of conservation and reverence for the earth and life practiced by American Indians for centuries and yet still disregarded by many of us living today;

Whereas the Members of the Senate and House of Representatives believe that a resolution and proclamation of the nature requested in this resolution can encourage self-esteem, pride and self-awareness to young American Indians;

Whereas the approaching 500th anniversary of the arrival of Christopher Columbus to the Western Hemisphere provides an opportunity for the people of the United States to consider and reflect on our Nation's current relationship with today's American Indians; and

Whereas the month of November concluded the traditional harvest season of the American Indians and was generally a time of celebration and giving thanks: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That beginning in 1991 and thereafter, the month of November is designated as "National American Indian Heritage Month", and the President is authorized and requested to issue a proclamation calling upon Federal, State, and local governments, interested groups and organizations, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

SPACE SHUTTLE BELONGS TO AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, isn't it strange that the more things change the more they remain the same. Whenever I pick up a paper, it seems there's an article about a foreign company buying or wanting to buy or rent something of value developed by Americans.

Recently, I read that Nippon Television Network has announced its intentions at whatever it costs to rent our valuable national space treasures for a commercial celebration for the Japanese network's 40th anniversary. Nippon Television wants to obtain the shuttle *Enterprise*, an Apollo capsule, a rocket, a spacesuit, and moon conveyor vehicle for a year.

Nippon has hustled Smithsonian officials in a series of meetings over the last year and, claims it is a done deal. But a Smithsonian official stated "the Japanese company is counting its spacecraft before they've been launched." I second that remark. Why should they have our national space treasures? Nippon TV is not in the space business—or is it?

Japan is engaged in an aggressive space program and intends in the next year to at least launch satellites and rockets. With its H-2 rocket, Japan through a joint venture of 75 companies, is making a real bid for international satellite launchings and, is competing with the United States.

Regardless of what Japan wants to pursue, America's national space treasures belong with the Smithsonian. Nippon Television should not have an Apollo capsule for any reason, particularly for a commercial event for the company.

The American people paid for the United States' space effort with our tax dollars. Japanese television may covet our space treasures, but they should have to wait for the cow to jump over the Moon before they rent our Moon conveyor vehicle, an Apollo capsule.

The Japanese network has more than a passing commercial interest in space. Last year the sale of TV sets fitted for satellite reception increased by 409 percent from the previous year. This year an official of the television network announced the need for an international news network as an answer to America's CNN.

A network official recently flew in space with the Russians at a cost of $30 million. Now the television network is willing to spend another $30 million for the space shuttle. Why are they willing to spend millions and go to the effort of a fast hustle of the Smithsonian officials for something that rightfully belongs to the American people? It certainly isn't for public relations.

The space treasures of America would serve only as a public relations event for the network and highlight a strategic aim of the Japanese Government in space.

The fact Japan wants to buy or rent the best of America is nothing new, whether it is in space, on the ground, our patents or the entertainment industry. Anything we do well, they want to buy.

Japanese companies recently bought our flagship properties, the Rockefeller Center and Pebble Beach and several more spectacular golf courses. Dai-Ichi Corp. of Myrtle Beach, SC is marketing 75 of our golf courses to Japanese buyers.

In addition Japanese companies have purchased 40 percent of our movie studios. What makes this such a poor deal for the United States is it places Japan squarely in the market to attack aggressively our electronics industry.

The National Journal reports that the prosperity of the American economy is increasingly tied to Hollywood's well-being. It reports that television and movie businesses now annually generate a $4.5 billion trade surplus, second only to the aerospace industry for the United States.

This latest effort by Nippon Television looks like one more coordinated governmental attack on another American industry. What will be the slogan for Japan's space program? Instead of Neal Armstrong's "One small step for man, one giant step for mankind," will it be "one small step for man and one large step for Japan?"

TRIBUTE TO THE "ORANGE RIBBON LADY," ELLEN LAMBING

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

Mr. LUKEN. Mr. Speaker, over the last week, we have heard about the heroic and victorious American men and women who fought in the Middle East as part of Operation Desert Storm.

And what a remarkable joy they have done. These men and women deserve every bit of praise they have received, they will receive, and even more.

Throughout America there have been thousands who have served by standing in waiting for our troops. Their energy and enthusiasm has been a testament to the support all of America shares for our men and women in the Persian Gulf. Their work has been selfless and their support for the families and friends of our Armed Forces has had an immeasurable benefit for our Nation.

I would like to draw your attention to a woman in my district who has made an indelible difference in count-

less peoples' lives. Known to many people as the Orange Ribbon Lady, Ellen Lambing is the founder of the military support group, Operation Orange Ribbon.

Words cannot express the gratitude greater Cincinnati feels toward Ellen today for all of her unselfish and generous work on behalf of our troops who served so valiantly in the Persian Gulf. She has been there for every family in need during the Persian Gulf conflict.

I know by now you are all familiar with the orange ribbons flying throughout our Nation. We have one woman to thank for that, Ellen Lambing. Ellen's idea to tie on an orange ribbon to show support for U.S. troops in the Persian Gulf has caught on nationwide. Even Barbara Bush took a giant orange bow from Ellen for the White House.

Ellen founded Operation Orange Ribbon on August 2, the day Iraqi President Saddam Hussein invaded Kuwait. This group has grown from what she originally thought would be a group of about 10 or 15 people in her living room to a nonprofit corporation complete with a board of directors serving thousands in our area.

The heart of the organization is the thousands of volunteers both in Cincinnati and throughout the country who spend countless hours working for the support group. Their leader and inspiration is Ellen Lambing.

Ellen has been described as magnetic, energetic, and tireless. She kept busy with her full days volunteering for Operation Orange Ribbon, but everbody knows she will continue her efforts until all troops have come home to American soil. I suspect she'll continue supporting veterans of the Persian Gulf long into the future. She loves her troops that much.

Thank you, Ellen Lambing, for all you have done for our Nation and for our troops. You are an inspiration to us all.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, I thank my good friend from the neighboring district in Cincinnati. I, too, want to commend the troops, our men, and women who fought so bravely representing the United States and the allied coalition in the Middle East. The support that was given by the families and the people throughout America is commendable. Certainly the efforts of Ellen Lambing from nearby Cincinnati played a great role in helping to stir that activity, certainly in Cincinnati, and throughout even my district.

Mr. Speaker, it was not long after the troops were in the Middle East that orange ribbons began to show up all through the district. I know on a number of occasions over the last few months I spent time with Ellen Lambing. As a matter of fact, my wife even today was at a junior high school in my neighborhood with Ellen, where this large group of junior high students honored Ellen for her activity throughout Ohio and throughout our country in getting solid support for the troops in the Middle East.

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I want to take this moment to thank Ellen Lambing for her bravery, thank her for her efforts on behalf of the men and women who have supported us in the Middle East, and on behalf of all of the families that have loved ones there.

Mr. LUKEN. Mr. Speaker, I yield back the balance of my time.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1991

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

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of spending, credit, and revenues for fiscal year 1991. This is the second report of the first session of the 102d Congress.

The term "current level" refers to the estimated amount of budget authority, outlays, credit authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

Current level reports are intended to provide Members information to compare enacted spending and revenues with the aggregate ceilings on budget authority, outlays, and revenues established in a budget resolution, and also to compare enacted legislation with the allocations of new discretionary budget authority, entitlement authority, and credit authority made to a committee pursuant to subsection 302(a) of the Budget Act. This report compares the spending, credit, and revenue levels in current level with those assumed in the conference report to accompany the budget resolution for fiscal year 1991, House Concurrent Resolution 310. The 302(a) allocations to House committees made pursuant to the conference report were printed in the CONGRESSIONAL RECORD on October 10, 1990, page H9280.

Current level reports provide information that is necessary for enforcing section 311 of the Budget Act. Section 311(a) prohibits the consideration of a spending or revenue measure if the adoption of that meausre would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause revenues to be less than the appropriate level of revenues set forth in the budget resolution.

Section 311(b) provides an exception to the 311(a) point of order for measures that would breach the ceilings on total spending set forth in the budget resolution but would not cause a committee to exceed its appropriate allocation of discretionary spending made pursuant to section 302(a) of the Budget Act. Such an exception was first provided by the budget resolution for fiscal year 1985, House Concurrent Resolution 280, 98th Congress. The exception was made permanent by the amendments to the Budget Act included in the Balanced Budget and Emergency Deficit Control Act of 1985—Public Law 99–177, Gramm-Rudman-Hollings. This exception is intended to protect a committee that has stayed within its allocation of discretionary budget authority and new entitlement authority from points of order if the total spending ceilings have been breached for reasons outside of its control.

Section 311(c) of the Budget Act provides that, for purposes of enforcing section 311, the levels of new budget authority, entitlement authority, outlays, and revenues shall be determined on the basis of estimates made by the Committee on the Budget. Current level reports represent partial fulfillment of this enforcement responsibility of the Budget Committee by providing both estimates of enacted aggregate spending and revenues, and, for purposes of determining the applicability of the section 311(b) exception, estimates of the relationship between the budgetary effect of enacted legislation within a committee's jurisdiction and the allocation of spending authority made to that committee.

The estimates in this report are based on economic and technical assumptions in place at the time of the adoption of the budget resolution, House Concurrent Resolution 106, on May 18, 1989. This is intended to protect committees which acted on the basis of the assumptions of the budget resolution from changes in economic and technical factors over which they have no control. Unless the Congress adopts a subsequent budget resolution for a fiscal year that alters the assumptions concerning legislative actions, committees should be able to expect that measures that conform with the budget resolution will not be subject to points of order for violation of the Budget Act. To do otherwise and base enforcement on constantly changing economic and technical estimates would seriously disrupt the legislative process, penalize committees that are unable to complete work on legislation within a short period after adoption of budget resolution, and undermine respect for budget enforcement procedures.

In addition to section 311, the Budget Act contains another point of order that requires Budget Committee estimates for enforcement. Section 302(f)(1) of the Budget Act prohibits the consideration of a measure providing new budget authority, new entitlement authority, or new credit authority if the adoption of that measure would cause a committee to exceed its allocation of new spending or credit authority made pursuant to subsection 302(b) of the Budget Act. The 302(b) allocation is a subdivision of the new spending, new entitlement, and new credit authority allocated to a committee pursuant to section 302(a), among either the subcommittees of that committee or among programs over which the committee

has jurisdiction. This point of order was added to the Budget Act by the amendments included in the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 302(g) provides that the enforcement of section 302 shall be based on estimates of spending and credit authority made by the Committee on the Budget. The Budget Committee fulfills this responsibility by providing, as necessary, a separate section 302 status report to the Speaker.

For information purposes only, current level reports will continue to include a comparison of the budget and credit authority divided among the Appropriations subcommittees by that committee's 302(b) division with the actual enacted spending and credit legislation within each subcommittee's jurisdiction.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, March 6, 1991.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974, as amended, to provide estimates of the current level of revenues and spending.

I am herewith transmitting the status report under H. Con. Res. 310, the Concurrent Resolution on the Budget for fiscal year 1991.

In the House of Representatives, the procedural situation for fiscal year 1991 with regard to the spending ceilings (total new budget authority and total outlays) and the revenue floor is affected by Section 311 of the Congressional Budget Act of 1974, as amended by P.L. 99-177. Section 311(a) prohibits the consideration of a spending or revenue measure which would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause total revenues to be less than the appropriate level set in the budget resolution. Section 311(b) provides an exception to the 311(a) point of order for measures which would breach the ceilings on total spending in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of new discretionary budget authority or new entitlement authority under Section 302(a) of the Budget Act.

The intent of Section 311(b) of the Budget Act is to protect a committee that has stayed within its spending authority allocations—new discretionary budget authority or new entitlement authority—from points of order if the total spending ceilings have been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on H. Con. Res. 310 were printed in the Congressional Record on October 10, 1990, page H. 9280.

The enclosed tables compare enacted legislation to each committee's 302(a) allocation of discretionary budget authority, new entitlement authority, new direct loan obligations and new primary loan guarantee commitments. The estimates of spending and revenues for purposes of the application of points of order under the Budget Act are based upon the economic and technical assumptions underlying the fiscal year 1991 budget resolution, H. Con. Res. 310.

Sincerely,

LEON E. PANETTA,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1991 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 310

REFLECTING COMPLETED ACTION AS OF MAR. 5, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,485,600	1,236,900	1,172,900
Current level	1,481,536	1,236,224	1,176,177
Amount under ceilings	4,064	676	
Amount over floor			3,277

BUDGET AUTHORITY

Any measure which provides budget or entitlement authority and which is not included in the current level estimate and that exceeds $4,064 million in budget authority for fiscal year 1991, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 310 to be exceeded.

OUTLAYS

Any measure which increases outlays and which is not included in the current level estimate and that exceeds $676 million for fiscal 1991, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 310 to be exceeded.

Any measure that would result in a revenue loss which is not included in the current level revenue estimate and that exceeds $3,277 million in revenues for fiscal year 1991, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 310.

FISCAL YEAR 1991 BUDGET AUTHORITY—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE PURSUANT TO SECTION 302

[In millions of dollars]

	Current level budget authority
House committee:	
Agriculture	−742
Appropriations [1]	−1,344
Armed Services	+57
Banking, Finance, and Urban Affairs	−32
District of Columbia	
Education and Labor	
Energy and Commerce	−14
Foreign Affairs	
Government Operations	
House Administration	
Interior and Insular Affairs	+74
Judiciary	+3
Merchant Marine and Fisheries	−5
Post Office and Civil Service	+869
Public Works and Transportation	
Science and Technology	+1
Small Business	
Veterans' Affairs	−94
Ways and Means	−2,354
Unassigned (Sequestration)	−389

[1] See next table for detail.

Note.—Committees are over (+) or under (−) their 302(a) allocation for "discretionary action."

FISCAL YEAR 1991 HOUSE APPROPRIATIONS COMMITTEE DISCRETIONARY ACTION—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION SUBDIVISIONS OF THE HOUSE APPROPRIATIONS COMMITTEE PURSUANT TO SEC. 302

[In millions of dollars]

	Current level budget authority	Direct loans	Primary loan guarantees
House Appropriations Subcommittee:			
Commerce, State, Justice	−7	−11	−184
Defense	−54		
District of Columbia	−2		
Energy and Water	−775		
Foreign Operations	+404	−17	−1
Interior			
Labor, HHS, Education	−624		
Legislative Branch	−63		
Military Construction	−136		
Rural Development and Agriculture	−6	−112	−49
Transportation	−1		
Treasury, Postal Service	−4		
VA/HUD/Independent Agencies	−76	−198	
Total	−1,344	−338	−234

Note.—Subcommittees are over (+) or under (−) their 302(b) subdivisions for "discretionary action."

FISCAL YEAR 1991 ALLOCATION OF NEW ENTITLEMENT AUTHORITY [NEA] PURSUANT TO SEC. 302

[In millions of dollars]

Committee	Allocation	Reported [1]	Enacted [2]	Enacted over(+)/under (−) allocation
Agriculture	+53	+1,309	−566	−619
Appropriations		+2,253	+2,253	+2,253
Armed Services		+2,209	+2,270	+2,270
Education and Labor	−120		+1	+121
Energy and Commerce	+305		+1	−304
Judiciary		+2	+2	+2
Post Office and Civil Service	−1,230		−1,390	−160
Veterans' Affairs	−65		+180	+245
Ways and Means	−4,200		−3,182	+1,018

[1] These figures are used for 401(b)(2) of the Budget Act.
[2] These figures are used for 302(f) points of order.

Note.—The figures for the Armed Services and Appropriations Committee represent the full costs of the January 4.1-percent pay raise for Federal military and civilian personnel respectively. The pay raise was assumed in the budget resolution, but the New Entitlement Authority [NEA] was not allocated to any committee because the budget resolution assumed that the pay raise would be achieved through administrative actions.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 6, 1991.

Hon. LEON E. PANETTA,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays, estimated revenues, and direct and guaranteed loan levels in comparison with the appropriate levels for those items contained in the 1991 Concurrent Resolution on the Budget (H.Con.Res. 310). This report, for fiscal year 1991, is tabulated as of close of business March 5, 1991. A summary of this tabulation follows:

[In millions of dollars]

	Current level	Budget resolution H. Con. Res. 310	Current level +/− resolution
Budget authority	1,481,536	1,485,600	−94,064
Outlays	1,236,224	1,236,900	−676
Revenues	1,176,177	1,172,900	3,277
Direct loan obligations	20,607	21,000	−393
Guaranteed loan commitments	106,940	106,800	140

Since my last report, dated February 6, 1991, there has been no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT, 102D CONG., 1ST SESS., HOUSE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSE OF BUSIENSS MAR. 5, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			1,176,178
Permanent appropriations and trust funds	1,066,350	801,618	
Other legislation	664,057	676,371	
Offsetting receipts	−243,564	−242,564	
Total enacted in previous sessions	1,487,843	1,235,425	1,176,178
II. Enacted this session: Extending IRS Deadline for Desert Storm Troops (Public Law 102–2)			1
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution	−6,307	799	
Total current level [1]	1,481,536	1,236,224	1,176,177
1991 budget resolution (H. Con. Res. 310)	1,485,600	1,236,900	1,172,900
Amount remaining:			
Over budget resolution			3,277
Under budget resolution	4,064	676	

[1] In accordance with section 606(D)(2) of the Budget Enforcement Act of 1990 (Title XIII of Public Law 101–508) current level excludes $1,335 in budget authority and $1,562 in outlays for Operation Desert Shield, Debt Forgiveness for Egypt and Poland and Internal Revenue Service funding above the June 1990 baseline level. In addition, current level outlays include a savings of $1,100 million for the Bank Insurance Fund that the Committee attributes to the Omnibus Budget Reconciliation Act (Public Law 101–508) and revenues include the Office of Management and Budget's estimate of $3,037 million for the Internal Revenue Service provision in the Treasury-Postal Service Appropriations Bill (Public Law 101–509).

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this evening.

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

There was no objection.

TRIBUTE TO SENATOR JENNINGS RANDOLPH ON HIS 89TH BIRTHDAY

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

Mr. STAGGERS. Mr. Speaker, tomorrow marks the birthday of an extraordinary West Virginian and American, because tomorrow is the day when Senator Jennings Randolph turns 89 years young.

When Jennings Randolph was born on March 8, 1902, in Salem, WV, who could have predicted that here was a man who would serve his State and Nation in the U.S. Congress in a career that would span nine Presidencies. And throughout 14 years in the House and 26 years in the Senate, never did Jennings Randolph lose sight of his overriding goal—to make life better for working men and women.

To add personal dimension to the scope of his career, Jennings Randolph was elected to the House nearly 20 years before I was born, and when he retired from the Senate, I was serving as the Congressman from his former congressional district. And since his retirement, Senator Randolph has graciously served as my campaign treasurer.

March 9 is a day that we all should stop for a moment to reflect on the improvements in the quality of our life due to the efforts of Jennings Randolph, but especially 18-year-old Americans. Senator Randolph authored and shepherded the 26th amendment to the U.S. Constitution into being, giving 18-year-olds the right to vote.

Jennings Randolph served with an undying confidence in our young people, and I believe that the accomplishments of our troops in the gulf is an excellent reflection that his trust was not misplaced.

And if there are tourists in town tomorrow, they may want to take a moment to remember that Senator Randolph authored the legislation that led to the creation of the Air and Space Museum.

To the man who helped conceive and foster the New Deal, to the man who led the fight to develop our Interstate Highway System, to the man who helped write the National Labor Relations Act and so much more, I say happy birthday, Jennings. Thank you for all you have given your Nation, and thank you for allowing us to be a part of your incredible life.

Mr. Speaker, I yield to the dean of our delegation, Mr. NICK RAHALL.

Mr. RAHALL. Mr. Speaker, it is with a great sense of history and pride that I rise today to pay tribute to Jennings Randolph, former U.S. Senator from West Virginia, who will be 89 years young tomorrow.

Happy Birthday Senator, with warmest wishes to you for many, many more to come.

Mr. Speaker, I had the honor to work closely with Jennings Randolph, from my first day as a Member of the House more than 14 years ago, and before that as an employee of the U.S. Senate in the Democratic Cloakroom under Senator ROBERT C. BYRD. The experience that was mine, with Jennings Randolph and ROBERT BYRD as my early mentors, has been the most rewarding aspect of my service in Congress. I am proud to say at this point that I still work closely with Senator ROBERT BYRD, a great American.

Jennings Randolph first arrived in Washington 58 years ago, in 1933. He was sworn in as one of the new Members of the House of Representatives, and became part of President Franklin Roosevelt's historic first 100 days. Jennings Randolph was present at the creation of the New Deal programs, most of which are still in existence today. Programs that serve the human needs of individuals and families to which Jennings Randolph pledged his entire career.

Jennings Randolph served in the House of Representatives from 1933 to 1947; he returned as a U.S. Senator in 1958, where he served until he retired in 1984. During that span of time, which represents a quarter of the life of this Republic, Jennings Randolph never stood still.

As we pay tribute to him on this, his 89th birthday, let me first express my great respect for this senior, and much beloved public servant from the great State of West Virginia, and to thank him for what he did for our State, and for this Nation, during his half-century of service.

Today, with the advent of the war in the gulf and the accompanying rhetoric we hear about how it is time to establish a national energy policy in the United States, and how it is time to reduce or eliminate our dependence on foreign oil, it is appropriate and timely to make part of this tribute a reference to Jennings Randolph's 1942 action to introduce legislation known as the Synthetic Liquid Fuels Act, which created ways in which to transform coal and its products into other useful energy forms. Not content with introducing legislation, Jennings Randolph followed up by copiloting a plane from Morgantown, WV, to Washington, DC, using fuel made from coal. If that could be done in 1942, it surely can be done today with all the technology at our disposal.

Jennings Randolph was a visionary. His early actions included the Randolph-Sheppard Act for the blind; later he originated and chaired the first Subcommittee on the Handicapped in the Senate, and he kept that chair until 1981 when the Senate majority went to the Republicans. Today, America has Jennings Randolph to thank for ushering into existence the first-ever Education for all Handicapped Act, the Rehabilitation Act of 1973, and the Developmental Disabilities Act.

As the chairman of the Senate Public Works Committee for 14 years, it was Jennings Randolph who guided to enactment the National Interstate Highway System signed into law by President Dwight Eisenhower. It was Jennings Randolph who fought against im-

poundment of interstate highway funds under President Nixon, when billions of dollars appropriated by Congress for highways were not being spent.

As ranking Democrat on the Senate Labor and Human Resources Committee, Jennings Randolph was a champion of education, health care services and facilities, and labor standards such as the enactment of the first black lung compensation act for coal miners suffering and dying from that occupational respiratory disease.

His chairmanship of the Public Works Committee saw enactment of this Nation's first Clean Air and Clean Water Acts, the Superfund Program to clean up toxic wastes, and the Solid Waste Disposal Act.

Jennings Randolph, who was well-known for his love and his understanding and trust in the younger generation, authored the 26th amendment to the Constitution calling for the 18-year-old's right to vote.

Mr. Speaker, my time is short, but finally I call to mind the Jennings Randolph who was, above all else, a gentleman.

Jennings Randolph was known for his courtly manners at all times in the conduct of official business with his House and Senate colleagues. His constituents found him to be warm, and always receptive, always available to them, when they made the trip to Washington to plead their causes.

Jennings also set an example for all Members of Congress in the strict observance of the codes of conduct unique to both bodies. He made it unnecessary for senior Members and freshmen alike to seek out a book of etiquette to instruct them in the correct management of relations between and among Members. While there was no such publication to be had, Jennings taught them by example the subtle ways of representative government.

Jennings is a leader who led by example, as well as through the whispered confidence, the silent gesture, the humorous anecdote, or a gentle rebuke. Mostly, he used the welcome plaudit, always giving credit where credit was due to other Members of Congress for their achievements in the service of their States and congressional districts.

Above all, Mr. Speaker, we pay tribute to the man who is the embodiment of the characteristic wit and wisdom of a gentleman, who imposed and followed the finest traditions of the House and the Senate, and those of our great country.

From all of West Virginia, happy birthday Senator Jennings Randolph. God willing, may you have many, many more.

Our thoughts and prayers are with you always.

Mr. STAGGERS. Mr. Speaker, tomorrow I am going to call Jennings Randolph and I am sure he is going to have two or three people that need some help, and he is going to tell me about them. He is that type of person. He cared about West Virginia and the Nation when he served, and he still cares about West Virgina and the Nation, and I want to wish him a happy birthday.

Mr. MOLLOHAN. Mr. Speaker. During its distinguished history, this U.S. Congress has been blessed with some truly exceptional leaders; men and women who, by virtue of their knowledge, foresight, and compassion, have left a mark which time cannot erase.

I am honored to join today with my colleagues in the West Virginia delegation in paying tribute to such a man, former Senator Jennings Randolph, on the occasion of his 89th birthday.

Senator Randolph has devoted a lifetime of service to the people of his State and his Nation. His long and honorable career in Congress began 58 years ago, when he became a member of this House in the same year that Franklin Delano Roosevelt began his presidency. The first vote that he cast as a Member of Congress, in fact, helped pass the Emergency Banking Act of 1933.

Without question, Senator Randolph served our Nation during some of its most trying times: times of depression, and times of war. Yet through it all, he served with a gracious effectiveness that earned him the respect and the admiration of his constituents in West Virginia and his colleagues here in Washington.

The Senator's legislative legacy reflects his many interests and accomplishments. He championed the rights of blind and handicapped Americans. He introduced legislation that initiated the creation of the Economic Development Administration and the Appalachian Regional Commission. He authored the legislation which evolved into the National System of Interstate and Defense Highways. And he worked tirelessly to develop the very first congressional initiative of new coal technologies.

Those are, of course, just a few items from Senator Randolph's list of accomplishments. The whole list is much too long for me to recount here, but rest assured that it is most impressive.

Perhaps the best testament to his distinguished career can be found in a statement made by former Senate Majority Leader Howard Baker of Tennessee, who also retired from Congress in 1985.

Baker said at the time, "Many individuals have wondered why I have decided to join Jennings in retirement from the Senate. The reason is quite simple. I can't imagine and don't want to be in a Congress that doesn't include Jennings Randolph."

Mr. Speaker, I know we can all appreciate that sentiment. But thankfully, Senator Randolph remains very much a part of this Congress through the continuation of programs he initiated during his 40 years of service.

On behalf of the people of West Virginia's First Congressional District, I wish Senator Randolph a "Happy Birthday" and a heartfelt "Thank You."

MEETING THE PRESIDENT'S CHALLENGE FOR THE NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I will not take nearly my full time, but I did want to rise tonight to say that I thought the House's performance today was very sad considering President Bush's speech last night. The President came up and pointed out that by applying modern thinking, by applying modern approaches that we had had remarkable success in the Persian Gulf, that in 100 hours we had been able to defeat the Iraqis in a ground war because we had the right kind of equipment, the right kind of training, the right kind of people, and they had formed a team that worked. And he challenged the Congress to reform and renew America, to bring America into the 21st century.

Yet, today, in the first of a series of votes that I am afraid we are going to see in the Congress, what we got was just the opposite. The efforts of Secretary Kemp to develop new ideas and new approaches in housing, to give people a chance to own their own homes, to give people a chance to have more control over their lives, to truly help the poor, that was knocked down by the Democrats here in the House today in a vote that was frankly very surprising and very one-sided. I think it was in many ways a reactionary vote, a vote propping up a decaying past, protecting Democrats and not helping the poor, but just protecting those interest groups that are already out there.

Later in the day we had another vote on an effort to allow the Federal Government to spend its money more intelligently, to apply a better standard to the Davis-Bacon Act, which is a 1931 law that involves how much we pay workers. Everybody knows this is wasteful. Every report the General Accounting Office ever made says that this is wasteful. But it is an example of union power, and it is an example of propping up an old and obsolete provision that no longer makes sense and that costs extra money. And once again, the Democrats overwhelmingly voted on the reactionary side, propping up the past, costing extra money and not getting anything for it, the exact opposite of what President Bush asked for last night.

Furthermore, as I said earlier today when I did an initial 1-minute speech, we are wasting $8 million a day every day that we fail to pass continued funding for the Resolution Trust Corporation. The Resolution Trust Corporation pays the depositors insurance for every depositor who had money in a savings and loan. Everyone knows the Congress is going to pay it. There is no question it is going to be paid. So every day we fail to pay it, we add $8 million

in additional interest that does not do any good to anyone, just an additional $8 million that the taxpayer loses.

Everyone in America can understand that. It is like having a credit card outstanding or having a loan outstanding. The longer you wait, the more you are going to have to pay.

We do not get anything for the money, and yet the Democratic leadership again today failed to bring up a bill, although that means we already owed $56 million to date, and it is going to go to $64 million on Friday, it is going to go to $72 million on Saturday, $80 million on Sunday, $88 million on Monday, and by the time we do any serious legislative business on Tuesday, we are going to be back to $96 million, and that still will not have gotten the bill to conference with the Senate, passed, and down to the President.

So the Democratic leadership, by its failure to respond in a timely way, is going to throw away over $100 million in absolute, pure waste, money that we do not have any reason to have spent on the Resolution Trust Corporation.

Finally, I am very concerned that the President issued a challenge to the Congress which is not going to be taken up. The President challenged the Congress to pass the highway transportation bill and to pass crime legislation. When we recognize that the crime legislation is vitally needed, that drugs and violent crime are an enormous problem in America, that in fact more Americans were killed in the United States during the 100 hours of ground combat than were killed in the ground operations in Desert Storm, it is obvious we need to pass a much stronger crime bill.

The President first sent up his crime proposals back in June of 1989. Now he is challenging the Congress to pass them, as he said, not in 100 hours, which was how long it took Desert Storm, but in 100 days. Yet today our first indications were that the Democratic leadership is not going to pass the crime bill on time, that in fact it is going to find excuses to delay the process, and so I want to repeat tonight the challenge.

I would hope the Democrats would decide to pass a clean Resolution Trust funding so we can get it through, get it signed and get it to the White House, and that will save the taxpayers money. I would hope the Democrats would reconsider the kind of votes they cast today. We really need a lot of reform in America if we are going to have a successful country.

□ 2040

We need to have a 21st century America, not just a 21st century Army. I think that is going to take a lot of changes.

Automatically taking the reactionary position of voting against new ideas, voting against new reforms, voting against new proposals, that only is not good for the Democratic Party, it is very bad for America. It weakens our ability to get into the future the way we ought to.

On all of those grounds, Mr. Speaker, I hope that the Democratic leadership will reconsider where it is going, that it will decide to cooperate with President Bush.

I can assure you that we on the Republican side would reach out a bipartisan hand to work with you if we could find a way to set up a schedule for hearings, for markup, and for legislation on the crime bill, for hearings, for markup, and for legislation on the highway bill, and move forward, for example, as the President has asked for a civil rights bill that does not have quotas, to move forward and have the kind of reforms that we badly need in education, to move forward and have the kind of housing reforms Secretary Kemp has been working for.

There is much we can do, but I think we need to get busy and work together to do it.

THE S&L BAIL-OUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 30 minutes.

Mr. LAFALCE. Mr. Speaker, in recent days, there has been a great deal of criticism leveled at those in the Congress who are reluctant to provide additional funding to the RTC to continue the thrift bailout. I believe that criticism is unwarranted. In fact, I believe such hesitation is called for, and is in the interest of the American taxpayer. It is time we stopped to think about what we are doing. In my view, the approach we are taking is maximizing the cost to the American taxpayer and the damage to the industry.

Just over a year ago, the administration asked the Congress to authorize $50 billion to handle the problems of failed and failing thrifts, and Congress obliged. The administration is now asking for $30 billion more in loss funds. And projections suggest that next year the Congress will be asked for still another $50 billion. It would be unconscionable if, before we approve over twice the sum originally requested, the Congress did not insist on knowing what the American taxpayer was being asked to pay for and why. Yet the administration is insisting on a blank check and blaming the Congress for not providing it.

This is not a partisan issue. Votes taken in the House Banking Committee indicate that there is sentiment on both sides of the aisle that the resolution process is not proceeding as anticipated and requires reform. Yet we are being pressured to pour apparently limitless funds into the RTC without exercising any control as to its use.

I belive the FIRREA approach was fundamentally flawed from its inception. It represented a misdiagnosis of the problem, and a misprescription as to the proper solution, and we now see continuing malpractice in its implementation. As such, FIRREA has become, not the solution to the thrift crisis, but a major contributor in its own right to its ever vaster proportions.

Let me review the problems with the FIRREA legislation itself and the continuing problems I see with its implementation.

I. FIRREA LEGISLATION

I voted against and argued against final passage of the FIRREA for several reasons including: First, the approach to funding; second, the precipitous application of new standards; and third, the structure and functioning of the RTC.

A. FUNDING

First of all, it was clear from the very beginning that the funding the administration requested was grossly inadequate, minimizing the scope of the problem and making it easier to lay what appeared a more limited burden at the taxpayers' door. I stated at the time that "the administration's projections regarding the overall level of funding required and the source of that funding are based on a series of overly optimistic and implausible assumptions * * *. Each time any of these implausible assumptions proves incorrect, it is the taxpayers' potential liability that increases." Unfortunately, that judgment has proved only too correct. The cost estimates continue to mount, and the ever-larger bill is indeed being placed at the taxpayers' door.

The approach to funding was also fundamentally flawed. When FIRREA was being considered, far too much attention was directed to the debate regarding on-budget versus off-budget financing. That was never a key issue. Certainly, if we are to borrow, we should borrow at cheapest cost, Treasury borrowing rather than a convoluted and costly bonding program. But in the context of the thrift crisis there was absolutely no justification for borrowing. The only rationale given was the continuing reluctance to come to grips with the grave implications of deficit financing for the health of our economy, and that is no rationale at all.

Any responsible business manager will tell you one borrows for capital improvements. One does not borrow for current expenditures and certainly never for past expenditures. Yet we chose to borrow to fund past losses and forced future generations—our children and grandchildren—to pay the costs. That is a profound generational inequity. As I noted during consideration of the legislation, "borrowing in any form is a much higher cost solution than a direct infusion of funds * * *. We are foisting higher costs than would otherwise be necessary on to future generations. That is unjust."

There is recognition in the Congress as to that inequity. A floor amendment I advanced during consideration of FIRREA that would have placed the funding on Gramm-Rudman and insisted we pay as we go garnered 171 votes on the House floor, despite Presidential and congressional industry opposition. In a recent House Banking markup, an amendment of a somewhat similar nature passed with bipartisan support.

The generational inequity was compounded by an approach that maximized the cost to Federal taxpayers for mistakes made largely at the State level. It's generally estimated that approximately half of the costs of the bailout

are attributable to State-chartered institutions, operating in many cases under lax State supervision and regulation, with powers far in excess of those available under the Federal charter. Yet the States have borne none of the financial responsibility. We have a dual banking system, which carries responsibilities as well as rights. While the full House has never had an opportunity to vote on this important issue, many increasingly share my view that some reasonable State contribution to the costs of the bailout are in order.

B. APPLICATION OF NEW STANDARDS

FIRREA saw the imposition of significantly higher tangible capital standards for thrift institutions and the elimination of accounting techniques previously agreed upon between the regulators and thrift institutions. The changes were largely appropriate. Capital is the chief protection for the insurance fund and the taxpayer, and adequate capital standards are crucial.

But the precipitous application of those standards wreaked further havoc in an industry already reeling from systemic problems, and destabilized weakened but viable institutions that might have otherwise survived the crisis. As I have argued before, FIRREA itself became "the largest shock to the system. New capital requirements were essential, but the precipitous application of new requirements in some cases can create more problems than it will solve * * * meaning distinctions needed to be drawn between basket case institutions that have no hope of recovery * * * and other weakened institutions who * * * are in a position to gradually increase their tangible capital position. To treat these institutions alike was to unnecessarily increase taxpayer liability."

In addition, FIRREA changed regulatory accounting standards that had been negotiated as elements of existing contracts between the regulators and thrift institutions, particularly those institutions which had previously purchased failing institutions as part of an effort to address industry problems. Some of those standards may have been ill-conceived and paved the way for institutions to operate solely with phony capital, endangering the insurance fund. But immediate changes in those contracts may have put even institutions that were profitable and capable of improving their tangible capital at risk, and left potential acquirers with a reluctance that continues to this day to deal with the Government.

I predicted at the time that the Government could not blithely break contracts with private parties and expect to escape unscathed. Since that time, court actions undertaken by thrifts accusing the Government of breaking contracts have been extremely successful—increasing yet again the cost to the taxpayer—and the pool of potential acquirors has diminished considerably.

C. THE RTC

Finally, the Congress was forced to vote on the FIRREA legislation with little or no understanding of the nature and function of the agency which would be responsible for carrying out the implementation of the program, the RTC. As I noted at the time, "the responsibilities confronting the RTC are massive and unprecedented * * *. Yet the structure of the organization is ill-defined, its policies and procedures are left to its own devising, and its accountablity to the public is negligible."

At one point, an administration representative characterized the RTC as a small oversight organization, with 100 or fewer employees, largely engaged in overseeing private sector action. Today we have an organization with over 5,000 employees that is the largest asset disposition organization in the history of the world. No entity could be less fit than a Government agency to play that role, and no entity could play it at greater cost.

II. THE IMPLEMENTATION OF FIRREA

Since FIRREA was passed, matters have simply gone from bad to worse.

A. NEW FUNDING NEEDS

Estimates of the cost of the bailout continue to mount. The administration is now asking for an additional $30 billion, but even that is not the end. Projections suggest as much as another $50 billion will be required next year. What is more, we are still borrowing to finance this bailout, piling ever greater interest expenses on the basic bailout cost that is already mind-boggling. If we continue on this path we will be committing hundreds of billions of dollars in future revenues to paying the interest on the Federal debt that could otherwise be used productively. And to what end?

Unless we stop this endless cycle of deficit finance, we will be placing burdens on our economy and on future generations of taxpayers that are incalculable. These interest costs will not remain forever invisible. As they come due, they may well have to be funded by cuts in education, health care, Social Security, day care, and other social programs on which our citizens rely. The result could be a decline in this Nation's standard of living beyond what we can even begin to imagine. The only way to avoid that result is to make some hard choices now.

B. IMPLEMENTATION OF FIRREA

First. The current liquidation philosophy.—Some of those choices concern the basic approach that is being used. If FIRREA was flawed in its conception, it is equally flawed in its implementation. We must move away from the liquidation philosophy that has dominated the administration's and most of the Congress' thinking on this issue from the very beginning toward a reconstruction philosophy. We are now liquidating an industry, some of which remains viable, at taxpayer expense and—whether we are willing to acknowledge it in budget calculations or not—expanding our budget deficit in order to do so. The effect of the current philosophy is only to maximize taxpayer cost and to place enormous burdens on our economy years into the future.

But it is not only the future burden on our economy which should concern us. The severe credit crunch we continue to see is no coincidence. The vast accumulation of assets by the RTC has created an enormous overhang on the real estate market, depressing values. The worst case scenarios that regulators have brought to the assessment of asset portfolios of banks as well as thrifts may have forced unnecessary writedowns and created additional stress on the capital positions of our lending institutions. The result should have been easy enough to predict—less and less lending, even to creditworthy borrowers.

In my view, the administration is being inordinately purist about the problems we face. It seems intent on purging from the thrift industry, through mounting deficit finance, every marginally problematical institution.

We can do that, and we could then turn to the banking industry and do the same. But the costs would be incalculable, and the burden on the American taxpayer, unjustifiable. Granted, we would achieve some very necessary industry consolidation, but I cannot think of a more extravagant and shortsighted way to do it. We cannot wring every weak institution out of the economy at taxpayer expense through deficit finance without doing irreparable damage to our economy.

2. The need for a change in approach.—It is time to move away from the liquidation philosophy that now dominates both the OTS and the RTC and move toward a reconstruction philosophy. A comparison of the current effort of the RTC to the approach undertaken by the Reconstruction Finance Corporation [RFC] earlier in this century is enlightening. The RFC, like the RTC, bore responsibility for liquidating incurable banks. But it did not make the assumption that all problem institutions were untreatable. Much of the RFC's energies were focused on restoring capital in solvent but weak banks and restructuring weak but curable institutions.

In contrast, the OTS and RTC are currently watching the condition of the wounded slowly and painfully deteriorate while focusing all their energies on burying the dead. Hundreds more thrift institutions have now been neatly categorized in terms of the level of risk they present. But the Government is neither providing assistance

nor marketing their franchise while it still has worth. Instead, bureaucrats are simply spending time calculating their dwindling prospects under alternative theoretical economic scenarios. The necessary effect of this wait and see attitude is to maximize taxpayer cost.

I do not quarrel with the fact that there was an array of basket case institutions in the thrift industry that were operating without a meaningful portfolio of earning assets, steadily losing money, and paying above market rates solely to draw in funds to pay interest on deposits. Such institutions held out no prospect of long-term viability and were only accruing additional losses for which the taxpayer would eventually be responsible. They required quick and decisive action.

But many, perhaps most, of those institutions have already been resolved. Unfortunately, they were not the only institutions put on the road to conservatorship. Others immediately tagged capital deficient have been in decline ever since.

We are now at or at least close to the point where we are considering placing in Government hands institutions which have some reasonable level of tangible net worth and/or are profitable—institutions whose condition has nevertheless been allowed to deteriorate as the administration has focused its energies elsewhere. Certainly, some of them are weak and are not in compliance with the new, much tougher, capital requirements. But if effecting a complete purge of all weaker institutions from the system will cost the American taxpayer yet another $50 billion in short-term, it is worth inquiring whether so dramatic a purge is necessary. It may be worth taking the risk that some of them can be turned around or the problem can be resolved more efficiently and at less cost through inducement of private sector action.

This is particularly the case since any significant improvement in our general economic outlook will alone be of assistance. The fate of many thrifts and banks depends on when and by how much the real estate market comes back. Yet we are doing everything possible to depress that market and continue the drag on our economy by moving endless assets into the public sector.

There are two clear advantages to moving toward a program focused on maximizing the potential of the private sector to handle the problem, with Government assistance if necessary. First of all, any financial institution is worth far more as an operating institution than it will ever be worth in Government hands. If an institution must be resolved, it should be resolved while it has some inherent worth, reducing taxpayer cost. Second, as Felix Rohatyn has pointed out in recent commentary on the situation in the banking industry, a Federal dollar invested in the equity capital of a still solvent institution will support from 15 to 25 times as much credit liquidity as a Federal dollar used after a failure to reimburse an insured depositor or to dispose of a growing inventory of failed institutions and depreciating assets.

Weak institutions not taken directly into Government hands need not and should not be left to their own devices. As the law provides, any institution that does not meet capital standards should operate under a supervisory agreement and capital plan developed and overseen by the regulators which will stem the flow of loss and place the institution under tight managerial controls in an effort to put it back on its feet.

Ultimately, many such institutions may not be able to survive as independent institutions. But it is far preferable to market such institutions as operating entities rather than rush them headlong into conservatorship status. However little an institution might be worth, it is worth more as an operating entity than it is worth in Government hands. Once the Government takes an institution, its franchise and its assets decline precipitously in value. An emphasis on a liquidation philosophy eliminates any intangible value inherent in the franchise of an operating institution, maximizing the ultimate disposal costs to the Government and the taxpayer.

Let us recognize what happens. When the Government takes an institution, it must one way or another infuse funds sufficient to "fill the hole" which represents the difference between the institution's assets and liabilities. In doing so, it must value those assets at current market value, in an environment where real estate is at an all-time low, a problem to which the liquidation approach further contributes, in an endless downward spiral. The effect is to freeze-frame the institution's losses at their maximum and then impose those losses on the taxpayer.

In most cases, the RTC is ultimately left with the responsibility to dispose of the assets on an already depressed market, thus driving down the value of all similar assets even farther. Moreover, this is a responsibility it is ill-equipped to fill because it is ill-equipped to respond to market signals. Instead, it must try to respond to ever-shifting political imperatives, called upon one moment not to dump assets, at another to sell them quickly to reduce the need for additional loss funds. No private asset disposition agency would even pretend to be able to maximize returns on such a short leash.

I would prefer that the Government move in early, while the institution still has some tangible net worth, and direct its resources to keeping the institution and its assets in the private sector. Certainly, money should not simply be allocated in a futile effort to keep weak institutions operating independently. But funds could be used constructively to restructure institutions with potential and provide incentives to private acquirors.

I believe the Accelerated Resolution Program [ARP], a cooperative effort between the OTS and RTC which attempts to market weakened institutions while they still have franchise value, is an important step in the right direction. But it has gotten too little attention and too few resources.

The purpose of the program, as described by the Office of Thrift Supervision, is to lower the ultimate cost of thrift resolutions by accelerating the marketing and sale of troubled institutions, thereby reducing the deterioration in franchise value and core deposits that can result from placing an institution into RTC conservatorship.

It is the right goal. It should have been the goal all along. Instead we have this minimalist pilot program, begun quite belatedly and involving only nine institutions. How much money might have been saved if a serious effort of this nature had begun right from the start? We have spent too much money and attention on "resolving" the basket cases and not enough on marketing the salvageable.

If effecting a private sector merger or acquisition requires Government financial incentives, so be it. We must accept a fundamental fact of our market economy: private acquirors are interested in moneymaking propositions not charitable contributions, and the Government cannot force them to acquire weak institutions in whole or in part, if they have no hope of a reasonable return. At least the projected costs of Government incentives are somewhat calculable, as opposed to the incalculable and ever-mounting cost to the community, the real estate market, and the taxpayer of having the Government control and manage the largest asset disposition project in history.

In some cases, it may well be more economical to sell separately various parts of a franchise to maximize value. Under certain circumstances, it might also be appropriate for the Government to take some form of equity interest in the surviving institution. That too should be considered. The ultimate arbiter should be what reduces taxpayer cost the most.

There is an equity issue here and I am cognizant of it. Healthy institutions can rightfully argue that they are the losers if weak institutions headed for insolvency are resurrected by a Government infusion of funds, potentially heightening the competition they must face in an industry already experiencing significant overcapacity. They make a legitimate point. But at this point, I am forced to conclude that

the inequity to the taxpayer is far greater. We must strike a balance, and I would strike it in the taxpayers' favor. Moreover, funneling assets endlessly into RTC hands under the current approach is only further depressing real estate markets, to everyone's disadvantage. That very clearly includes the banking industry—to which the problem has now spread—and the businesses throughout this country which rely on that industry for finance. As I indicated before, the causes of the current crunch are easy enough to trace.

Third. The need for structural change.—The change in emphasis I am proposing cannot work unless other structural changes are effected. There continue to be arbitrary restrictions on what kinds of firms can purchase financial institutions, in what geographic location, what use can ultimately be made of the franchise acquired, and what array of products financial institutions can provide. If we are to maximize the degree to which the problem can be solved in the private sector and effect necessary consolidation industrywide, we must remove artificial geographic, product, and ownership and cross-marketing restrictions and move toward a standardized charter and harmonized regulatory structure.

Before we purify the industry totally at taxpayer expense, we should cleanse and rationalize it through private sector efforts. The best way to do that is to improve the franchise value of existing institutions, remove arbitrary restrictions on acquisitions and investment, and see what level of industry rationalization might occur through private sector efforts. A change in attitude is also imperative. To date, we have done as much as possible to alienate potential acquirers. That strategy is self-defeating and must change.

It is interesting to note something of a change in perspective that has occurred as we have shifted our attention to the commercial banking industry. In the banking context, the administration is not following a liquidation strategy but rethinking its regulatory posture and advocating structural reform.

In fact, it is only the recognition of the horrendous financial burden we would incur if we applied FIRREA logic to banking industry problems and the serious credit crunch which has ensued as a very predictable result of the approach taken in FIRREA that has led to some reassessment.

Capital deficiencies in the banking industry and the resulting credit crunch have encouraged the regulators to reassess their approach to evaluating real estate portfolios. The new posture would steer examiners away from a worst-case liquidation mode in assessing the worth of real estate portfolios, and new pending regulations would moderate the terms of loan write-downs. While tighter examination standards have clearly been in order, there has been absolutely no point to bringing a worst case scenario to every assessment. The effect is only to deliver the maximum level of loss on the taxpayer in the shortest possible timeframe.

This new approach stands in stark contrast to the attitude struck in the thrift context. While we have not introduced market to market accounting in the thrift industry, the preoccupation with a liquidation approach and the conservatorship program has forced a focus on liquidation values. In the currently depressed real estate market, such a focus necessarily maximizes taxpayer cost.

Had the newer standards been brought to bear in regard to thrift real estate portfolios, it is likely that fewer institutions would as readily have become candidates for conservatorship. It is anomalous indeed that these new standards, if adopted, will be applied to thrifts going forward, and will hopefully help preclude institutions' unnecessarily being thrust into conservatorship. But we might have saved billions had we been more temperate in our approach from the beginning.

Moreover, the banking industry, in putting forward its proposal to recapitalize the BIF, included provisions that would channel Government funds into weakened institutions in order to try to turn them around and to provide necessary assistance to potential acquirers. Open bank assistance is now being considered by the FDIC in attempting to resolve bank problems in New England. This has been an approach largely frowned upon by the administration in the context of the thrift crisis. Yet it is an approach that could save taxpayer dollars. While the RTC has the authority to provide such assistance, it has largely chosen not to do so.

CONCLUSION

I opposed the FIRREA legislation and I cannot now in conscience vote additional taxpayer dollars that should more properly be spent on education, on health care, on other vital social needs, on a program that has spread what was essentially a sectoral problem throughout our economy and has maximized taxpayer cost—particularly when this program is not our only option. It is unfortunate that the administration and the Congress have spent so much time and energy on the process by which we would procure more funding for the RTC program that we have had no time to consider the merit of the program itself, and the alternatives to it.

There is a way to solve financial industry problems temperately and responsibly. It will require greater cooperation between the public and private sector. It will require public policymakers to rethink our compartmentalized and fragmented financial services structure. It will require portions of the industry to move their thinking beyond concerns about the fate of their own little portion of the financial universe. It may not effect the liquidation of the thrift industry on which the administration seems so bent, or a sweeping purification of the banking industry at taxpayer expense which could follow if the same philosophy prevails.

This different approach might take longer. It might not immediately eliminate every struggling institution. It may be more complicated and involve less immediate certitude. It may ultimately be less pure. But it will be much more responsible, more realistic, more measured, and much less expensive for the American taxpayer, and that is good enough.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. BRUCE] is recognized for 60 minutes.

Mr. BRUCE. Mr. Speaker, this Nation is facing tremendous problems in dealing with solid waste disposal. Today, I am joined by my distinguished colleague from Virginia [Mr. BLILEY] in introducing legislation which will help us reduce solid waste disposal in an economical manner.

The Plastic Recycling Assistance Act of 1991 will aid those entrepreneurs willing to invest in our environment by providing a national standard for identifying plastic resins.

With 18 percent of the Nation's waste volume coming from plastics, much can be done to make sure plastic products play a more environmentally responsible role in our society. Recycling has the potential to play a significant role in reducing the need for landfills or other disposal methods for the Nation's solid waste. To be economically recycled, plastics items must be separated by their resin content.

This process is being made easier through the voluntary efforts of some in industry who are already printing codes which specify the type of resin used in the product. The Plastics Recycling Assistance Act would require all plastic product manufacturers to code their packages using a national identification system.

While assisting in recycling efforts, the bill also promotes the use of degradable plastics while addressing environmental concerns that degradable plastics interfere with some recycling efforts. By requiring that degradables be coded with a distinguishable symbol unless they have been demonstated not to interfere with recycling efforts, recyclers will be able to separate degradables as quickly as they separate vinyl from high density polyethylene.

Biodegradable plastics using a corn starch mix play a needed role in waste reduction efforts, including acting as a vital component of a yard waste composting program at Urbana, IL, in my district. Photodegradable plastics are produced by the ITW hi-cone facility in Charleston of my congressional district to minimize the environmental problems which could be caused by six-pack rings and other plastic bindings.

Degradables are not the complete answer to solid waste problems, but they do have a role to play which must not be stifled.

Finally, the plastics recycling assistance act looks to the future. It requires the environmental protection agency to do a thorough study of the prospects of using advanced technologies for recycling separation of all solid waste materials.

As America looks ahead in fighting the crisis which continues to develop in solid waste disposal, we must recognize that we will not maximize recycling by asking every citizen to maintain separate waste disposal bins for each recyclable commodity. Along with helping promote recyclable product markets, a workable system of waste separation which makes recycling more economical must be developed.

I would like to thank the original cosponsors of this legislation for their support and applaud them for backing a better environment.

H.R. 1318

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 "Plastic Recycling Assistance Act of 1991".

SEC. 2. 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; and

(4) the Federal Government should promote plastics recycling and assure that use of degradable plastic products does not adversely affect plastic recycling.

(b) PURPOSE.—The purpose of this Act is 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 does not adversely affect recycling of nondegradable plastic products.

SEC. 3. 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 five 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 used, 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. 4. CODING.

(a) IDENTIFICATION OF PLASTIC RESIN.—Within the 12-month period following the date of the enactment of this Act, the Administrator of the Environmental Protection Agency 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 Januray 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 three 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 four 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 Administrator may, by rule, from time-to-time, add to or otherwise revise the designation of resins referred to in paragraph (2).

(4) The Administrator shall, by rule or order, permit containers manufactured from degradable plastic resin to bear a resin code other than that for degradable resins if the Administrator determines that the degradable plastic resin from which such container is manufactured is demonstrated to be recyclable and that mixture of such degradable plastic resin with such nondegradable resin will not reduce the value of the mixture, will not interfere with the recycling of such mixture, will not adversely affect the performance characteristics of recycled material containing such degradable plastic as compared to recycled material lacking such degradable plastic, and will not adversely affect the performance characteristics of any product manufactured from such mixed recycled material.

(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. 5. PENALTY.

(a) CIVIL PENALTY.—Any person or entity which violates this Act shall be subject to a civil penalty assessed by the Administrator of the Environmental Protection Agency 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 one year, or both, for each offense.

SEC. 6. MONITORING.

The Administrator of the Environmental Protection Agency shall, by regulation, establish and implement a system for monitoring compliance with, and enforcement of, the provisions of this Act.

SEC. 7. STUDY AND REPORTS.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Administrator of the Environmental Protection Agency 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 Administrator of the Environmental Protection Agency 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 non-recyclable 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 Administrator shall report to Congress on the results of each study, including any recommendations for further legislation 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. 8. AUTHORIZATION.

There is authorized to be appropriated such sum as may be necessary to carry out this Act.

RULES OF PROCEDURE FOR THE COMMITTEE ON SMALL BUSINESS FOR THE 102d CONGRESS

(Mr. LAFALCE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LAFALCE. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD the Rules of Procedure adopted at the organizational meeting of the Committee on Small Business on March 7, 1991, as follows:

RULES OF PROCEDURES OF THE COMMITTEE ON SMALL BUSINESS HOUSE OF REPRESENTATIVES, 102ND CONGRESS

1. GENERAL PROVISIONS

The Rules of the House, and in particular the committee rules enumerated in clause 2 of rule XI, are the rules of the Committee on Small Business to the extent applicable and by this reference are incorporated, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees. Each subcommittee of the Committee on Small Business (hereinafter referred to as the "committee") is a part of the committee and is subject to the authority and direction of the committee, and to its rules to the extent applicable.

2. REFERRAL OF BILLS BY CHAIRMAN

Unless retained for consideration by the full committee, all legislation and other matters referred to the committee shall be referred by the chairman to the subcommittee of appropriate jurisdiction within 2 weeks. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdictions, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement thereon.

3. DATE OF MEETING

The regular meeting date of the Committee on Small Business shall be the first Tuesday of every month when the House is in session. Additional meetings may be called by the chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with clause 2(c) of rule XI of the House of Representatives.

At least three days' notice of such additional meeting shall be given unless the chairman determines that there is good cause to call the meeting on less notice.

The determination of the business to be considered at each meeting shall be made by the chairman subject to clause 2(c) of rule XI of the House of Representatives.

A regularly scheduled meeting need not be held if there is no business to be considered or, upon at least three days' notice, it may be set for a different date.

4. ANNOUNCEMENT OF HEARINGS

Unless the chairman, or the committee by majority vote, determines that there is good cause to begin a hearing at an earlier date, public announcement shall be made of the date, place, and subject matter of any hearing to be conducted by the committee at least one week before the commencement of that hearing.

5. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(A) Meetings

Each meeting for the transaction of business, including the markup of legislation, of the committee or its subcommittees, shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public.

This provision does not apply to any meeting that relates solely to internal budget or personnel matters.

(B) Hearings

Each hearing conducted by the committee or its subcommittees shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however,* That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearings.

No member may be excluded from nonparticipatory attendance at any hearing of the committee or any subcommittee, unless the House of Representatives shall be majority vote authorize the committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedures designated for closing hearings to the public.

6. WITNESSES

(A) Interrogation of Witness

The right to interrogate witnesses before the committee or any of its subcommittees shall alternate between the majority members and the minority members. In recognizing members to question witnesses, the chairman may take into consideration the ratio of majority and minority party members present and may recognize two majority party members for each minority party member recognized. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member of the committee who so desires has had an opportunity to question the witness.

(B) Statement of Witnesses

Each witness shall file with the committee, 48 hours in advance of his appearance, 100 copies of his proposed testimony and shall make a brief oral summary of his views.

7. SUBPENAS

A subpoena may be authorized and issued by the chairman of the committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as he deems necessary. The ranking minority member shall be promptly notified of the issuance of such a subpoena.

Such a subpoena may be authorized and issued by the chairman of a subcommittee with the approval of a majority of the members of the subcommittee and the approval of the chairman of the committee or a majority of the members of the committee.

8. QUORUM

No measure or recommendation shall be reported unless a majority of the committee is actually present; for purposes of taking testimony or receiving evidence, two members shall constitute a quorum; and for all other purposes one-third of the members shall consitute a quorum.

9. AMENDMENTS DURING COMMITTEE MARKUP

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chairman shall allow an appropriate period of time for the provision thereof.

10. PROXIES

A vote by any member of the committee or any of its subcommittees by proxy is permitted, provided that such proxy shall be in writing, and delivered to the clerk of the committee, shall assert that the member so voting by proxy is absent on official business or is otherwise unable to be present at the meeting of the committee or its subcommittee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

11. NUMBER AND JURISDICTION OF SUBCOMMITTEES

There will be six subcommittees as follows:

SBA, the General Economy, and Minority Enterprise Development (nine Democrats and six Republicans)

Procurement, Tourism, and Rural Development (six Democrats and four Republicans)

Regulation, Business Opportunities, and Energy (seven Democrats and four Republicans)

Antitrust, Impact of Deregulation and Ecology (five Democrats and three Republicans)

Exports, Tax Policy and Special Problems (seven Democrats and four Republicans)

Environment and Employment (four Democrats and two Republicans)

During the 102d Congress, the chairman and ranking minority members shall be ex officio members of all subcommittees, without vote, and the full committee shall conduct oversight of all areas of the committee's jurisdiction.

In addition to conducting oversight in the area of their respective jurisdictions, each subcommittee shall have the following jurisdiction:

SBA, The General Economy, and Minority Enterprise Development

SBA program authorizations.

General economic problems.

Access to capital.

Programs to promote minority enterprise development.

Promotion of women-owned business.

Job creation.

Procurement, Tourism and Rural Development

Participation of small business in Federal procurement, generally.

Small Business Innovation Development Act.

Travel and tourism.

Telecommunications.

Agriculture and rural development.

Regulation, Business Opportunities, and Energy

Responsibility for, and investigative authority over, the regulatory policies of Federal departments and agencies.

General promotion of business opportunities.

Energy issues in general.

Antitrust, Impact of Deregulation and Ecology

Anticompetitive and unfair activities affecting small business.

Antitrust and monopolies.

Ecological issues.

Impact of deregulation of common carriers and other industries.

Securities, acquisitions, and mergers.

Exports, Tax Policy, and Special Problems

Export opportunities.

Foreign business practices.

Impact of tax policies.

Special problems not elsewhere assigned.

Environment and Employment

Employment issues in general.

Environmental and hazardous waste.

12. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairman shall set meeting dates after consultation with the chairman of the full committee and other subcommittee chairmen, with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible. Meetings of subcommittees shall not be scheduled to occur simultaneously with meetings of the full committee.

13. SUBCOMMITTEE REPORTS

(A) Investigative Hearings

The report of any subcommittee on a matter which was the topic of a study or investigation shall include a statement concerning the subject of the study or investigation, the findings and conclusions, and recommendations for corrective action, if any, together with such other material as the subcommittee deems appropriate.

Such proposed report shall first be approved by a majority of the subcommittee members. After such approval has been secured, the proposed report shall be sent to each member of the full committee for his supplemental, minority or additional views.

Any such views shall be in writing and signed by the member and filed with the clerk of the committee within 5 calendar days (excluding Saturdays, Sundays, and legal holidays) from the date of the transmittal of the proposed report to the members.

After the expiration of such 5 calendar days, the report may be filed as a House report.

(B) End of Congress

Each subcommittee, not later than November 15th of each even-numbered year, shall submit to the Committee a report on the activities of the subcommittee during the Congress.

14. COMMITTEE STAFF

The staff of the Committee on Small Business shall be as follows:

(A) The professional and clerical employees of the committee, except those assigned to the minority or to a subcommittee chairman or ranking minority members as provided below, shall be appointed and assigned, and may be removed, by the chairman. Their remuneration shall be fixed by the chairman, and they shall be under the general supervision and direction of the chairman.

(B) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined as the minority members of the committee shall determine; *Provided, however,* That no minority staff person shall be compensated at a rate which exceeds that paid his or her majority staff counterpart. Such staff shall be under the general supervision and direction of the minority members of the committee who may delegate such authority as they deem appropriate.

(C) Each subcommittee chairperson and each ranking minority member on not more than six subcommittees shall have the right to appoint and assign one person to work on subcommittee business at a salary commensurate with the responsibilities prescribed but at a rate not to exceed 75 percent of the maximum established rate for the employees on the professional staff of the committee. Such staff members shall perform services in facilities assigned to the committee and to the extent that they are not occupied during regular working hours with tasks assigned by the subcommittee chairperson or ranking minority member who appointed them, they shall perform other tasks as assigned by the chairman or the appropriate staff director.

15. RECORDS

The committee shall keep a complete record of all actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each subcommittee rollcall vote, together with a description of the matter voted upon, shall be promptly made available to the full committee and such votes shall be available for inspection by the public at reasonable times in the offices of the committee.

The records of the committee at the National Archives and Records Administration shall be made available in accordance with rule XXXVI of the rules of the House, except that the committee authorizes use of any record to which clause 3(b)(4) would otherwise apply after such record has been in existence for 20 years. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

16. ACCESS TO CLASSIFIED OR SENSITIVE INFORMATION

Access to classified information supplied to the committee and attendance at closed sessions of the committee or its subcommittees shall be limited to members, and to members of the committee staff and stenographic reporters who have appropriate security clearance when the chairman determines that such access or such attendance is essential to the functioning of the committee.

The procedure to be followed in granting access to those hearings, records, data, charts, and files of the committee which involve classified intelligence information or information deemed by a subcommittee to be sensitive shall be as follows:

(a) Only Members of the House of Representatives may have access to such information.

(b) Members who desire to read materials that are in the possession of the committee should notify the clerk of the committee or the subcommittee possessing the materials.

(c) The clerk will maintain an accurate access log which identifies without revealing the material examined, the staff member involved, and the time of arrival and departure of all members having access to the information.

(d) If the material desired is material which the committee or subcommittee deems to be sensitive enough to require special handling, before receiving access to such information, Members of the House will be required to identify the information they desire to read and sign an access information sheet acknowledging such access and that the Member has read these procedures.

(e) Such material shall not be removed from the room.

(f) A staff representative shall insure that the documents used by the Member are returned to the proper custodian or to original safekeeping as appropriate.

(g) No notes, reproductions or recordings may be made of any portion of such information.

(h) The contents of such information shall not be divulged to any person in any way, form, shape, or manner and shall not be discussed with any person who has not received the information in an authorized manner either under these rules or the laws or rules in effect for officials and employees of the executive branch.

(i) When not being examined in the manner described herein, such information will be kept in secure safes in the committee rooms.

(j) These procedures only address access to information the committee or a subcommittee deems to be sensitive enough to require special treatment.

(k) If a Member believes the material should not be classified or considered restricted as to dissemination or use, the Member may ask the committee or subcommittee to so rule; however, as far as materials and information in the custody of the Small Business Committee is concerned, the classification of materials as determined by the executive branch shall pervail unless affirmatively changed by the committee or the subcommittee involved, after consultation with the appropriate executive agencies.

(l) Other materials in the possession of the committee are to be handled in accordance with the normal practices and traditions of the committee and its subcommittees.

17. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Upon approval by the committee or its subcommittees, all committee and subcommittee hearings which are open to the public may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography or by any such methods of coverage.

The chairman of the full committee or the chairmen of the subcommittees are authorized to determine on behalf of the full committee or its subcommittees, respectively, whether hearings which are open may be broadcast, unless the committee or its subcommittees respectively by majority vote determine otherwise.

Permission for such coverage shall be granted only under the following conditions;

(1) Live coverage by radio or television shall be without commercial sponsorship.

(2) No witness served with a subpena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Each committee or subcommittee chairman shall determine, in his discretion, the number of television and still cameras to be permitted in the room. The allocation among the television media of the positions of television cameras permitted by a committee or subcommittee chairman in the

room shall be in accordance with fair and equitable procedures as devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Television and radio media equipment shall not be installed in, or removed from, the room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used, except that the television media may install additional lighting in the room, without cost to the Government, in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage at the then current state of the art.

(8) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International News-pictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage by the other media.

(11) Television and radio media personnel shall be then currently accredited to the Radio and Television Correspondents' Gallaries.

(12) Still photography personnel shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

18. OTHER PROCEDURES AND REGULATIONS

The chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

The committee may not be committed to any expense whatever without the prior approval of the chairman of the full committee.

19. AMENDMENTS TO COMMITTEE RULES

The rules of the committee may be modified, amended, or repealed by a majority vote of its members, but only if written notice of the proposed change has been provided to each such member at least 48 hours before the time of the meeting at which the vote on the change occurs.

APPENDIX

RULE XI—RULES OF PROCEDURE FOR COMMITTEES

IN GENERAL

1. (a)(1) The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

(2) Each subcommittee of a committee is a part of that committee, and is subject to the authority and direction of that committee and to its rules so far as applicable.

(b) Each committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X, and (subject to the adoption of expense resolutions as required by clause 5) to incur expenses (including travel expenses) in connection therewith.

(c) Each committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of a committee shall be paid from the contingent fund of the House.

(d) Each committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of that committee under this rule and Rule X during the Congress ending at noon on January 3 of such year.

COMMITTEE RULES

Adoption of written rules

2. (a) Each standing committee of the House shall adopt written rules governing its procedure. Such rules—

(1) shall be adopted in a meeting which is open to the public unless the committee in open session and with a quorum present, determined by rollcall vote that all or part of the meeting on that day is to be closed to the public;

(2) shall be not inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House; and

(3) shall in any event incorporate all of the succeeding provisions of this clause to the extent applicable.

Each committee's rules specifying its regular meeting days, and any other rules of a committee which are in addition to the provisions of this clause, shall be published in the Congressional Record not later than thirty days after the committee is elected in each odd-numbered year. Each select or joint committee shall comply with the provisions of this paragraph unless specifically prohibited by law.

Regular meeting days

(b) Each standing committee of the House shall adopt regular meeting days, which shall be not less frequent than monthly, for the conduct of its business. Each such committee shall meet, for the consideration of any bill or resolution pending before the committee or for the transaction of other committee business, on all regular meeting days fixed by the committee, unless otherwise provided by written rule adopted by the committee.

Additional and special meetings

(c)(1) The Chairman of each standing committee may call and convene, as he or she considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to the call of the chairman.

(2) If at least three members of any standing committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of, and the measure or matter to be considered at, that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

Vice chairman or ranking majority Member to preside in absence of chairman.

(d) The member of the majority party on any standing committee or subcommittee thereof ranking immediately after the chairman shall be vice chairman of the committee or subcommittee, as the case may be, and shall preside at any meeting during the temporary absence of the chairman. If the chairman and vice chairman of the committee or subcommittee are not present at any meeting of the committee or subcommittee, the ranking meeting of the majority party who is present shall preside at that meeting.

Committee records

(e)(1) Each committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each such rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting.

(2) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto, except that in the case of records in the Committee on Standards of Official Conduct respecting the conduct of any Member, officer, or employee of the House, no Member of the House (other than a member of such committee) shall have access thereto without the specific, prior approval of the committee.

(3) Each committee shall include in its rules standards for availability of records of the committee delivered to the Archivist of the United States under rule XXXVI. Such standards shall specify procedures for orders of the committee under clause 3(b)(3) and clause 4(b) of rule XXXVI, including a requirement that nonavailability of a record for a period longer than the period otherwise applicable under that rule shall be approved by vote of the committee.

Proxies

(f) No vote by any member of any committee or subcommittee with respect to any measure or matter may be cast by proxy unless such committee, by written rule adopted by the committee, permits voting by proxy and requires that the proxy authorization shall be writing, shall assert that the member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto: except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Open meetings and hearings

(g)(1) Each meeting for the transaction of business, including the markup of legislation, of each standing committee or subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. *Provided, however*, That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by clause 4(a)(1) of Rule X or by subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by each committee or subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony,

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate clause 2(k)(5) of rule XI; or

(B) may vote to close the hearing, as provided in clause 2(k)(5) of rule XI. No Member may be excluded from nonparticipatory attendance at any hearing of any committee or subcommittee, with the exception of the Committee on Standards of Official Conduct, unless the House of Representatives shall by a majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subparagraph for closing hearings to the public: *Provided, however*, That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing except that the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence and the subcommittees therein may, by the same procedure, vote to close up to five additional consecutive days of hearings.

(3) Each committee of the House (except the Committee on Rules) shall make public announcement of the date, place, and subject matter of any committee hearing at least one week before the commencement of the hearing. If the committee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems.

(4) Each committee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

(5) No point of order shall lie with respect to any measure reported by any committee on the ground that hearings on such measure were not conducted in accordance with the provisions of this clause; except that a point of order on that ground may be made by any member of the committee which reported the measure if, in the committee, such point of order was (A) timely made and (B) improperly overruled or not properly considered.

(6) The preceding provisions of this paragraph do not apply to the committee hearings which are provided for by clause 4(a)(1) of Rule X.

Quorum for taking testimony and certain other action

(h)(1) Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence which shall be not less than two.

(2) Each committee (except the Committee on Appropriations, the Committee on the Budget, and the Committee on Ways and Means) may fix the number of its members to constitute a quorum for taking any action other than the reporting of a measure or recommendation which shall be not less than one-third of the members.

Prohibition against committee meetings during five-minute rule and during joint sessions and joint meetings

(i)(1) No committee of the House (except the Committee on Appropriations, the Committee on the Budget, the Committee on Rules, the Committee on Standards of Official Conduct, and the Committee on Ways and Means) may sit, without special leave, while the House is reading a measure for amendment under the five-minute rule. For purposes of this subparagraph, special leave will be granted unless 10 or more Members object.

(2) No committee of the House may sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

Calling and interrogation of witnesses

(j)(1) Whenever any hearing is conducted by any committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

(2) Each committee shall apply the five-minute rule in the interrogation of witnesses in any hearing until such time as each member of the committee who so desires has had an opportunity to question each witness.

Investigative hearing procedures

(k)(1) The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this Rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness; and receive and dispose of requests from such person to subpena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of request to subpena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

Committee procedures for reporting bills and resolutions

(1)(1)(A) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring a matter to a vote.

(B) In any event, the report of any committee on a measure which has been approved by the committee shall be filed within seven calendar days (executive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a

majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subdivision does not apply to the reporting of a regular appropriation bill by the Committee on Appropriations prior to compliance with subdivision (C) and does not apply to a report of the Committee on Rules with respect to the rules, joint rules, or order of business of the House or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(2)(A) No measure or recommendation shall be reported from any committee unless a majority of the committee was actually present.

(B) With respect to each rollcall vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(3) The report of any committee on a measure which has been approved by the committee (A) shall include the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X separately set out and clearly identified; (B) the statement required by section 308(a)(1) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures; (C) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee, and (D) a summary of the oversight findings and recommendations made by the Committee on Government operations under clause 4(c)(2) of Rule X separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(4) Each report of a committee on each bill or joint resolution of a public character reported by such committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(5) If, at the time of approval of any measure or matter by any committee, other than the Committee on Rules, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(A) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(B) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of subparagraph (3)) are included as part of the report. This subparagraph does not preclude—

(i) the immediate filing or printing of a committee report unless timely requests for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(ii) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(6) A measure or matter reported by any committee (except the Committee on Rules in the case of a resolution making in order the consideration of a bill, resolution, or other order of business), shall not be considered in the House until the third calendar day, excluding Saturdays, Sundays, and legal holidays, on which the report of that committee upon that measure or matter has been available to the Members of the House or as provided by section 305(a)(1) of the Congressional Budget Act of 1974 in the case of a concurrent resolution on the budget: *Provided however*, That it shall always be in order to call up for consideration, notwithstanding the provisions of clause 4(b), Rule XI, a report from the Committee on Rules specifically providing for the consideration of a reported measure or matter notwithstanding this restriction. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter, shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House. This subparagraph shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress; or

(B) any decision, determination, or action by a Government agency which would become or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

For the proposes of the preceding sentence, a Government agency includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

(7) If, within seven calendar days after a measure has, by resolution, been made in order for consideration by the House, no motion has been offered that the House consider that measure, any member of the committee which reported that measure may be recognized in the discretion of the Speaker to offer a motion that the House shall consider that measure, if that committee has duly authorized that member to offer that motion.

Power to sit and act; subpoena power

(m)(1) For the purpose of carrying out any of its functions and duties under this rule and Rule X (including any matter referred to it under clause 5 of Rule X), any committee, or any subcommittee thereof, is authorized (subject to subparagraph (2)(A) of this paragraph)—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(B) to require, by subpoena—or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents

as it deems necessary. The chairman of the committee, or any member designated by such chairman, may administer oaths to any witness.

(2)(A) A subpoena may be authorized and issued by a committee or subcommittee under subparagraph (1)(B) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (1)(B) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(B) Compliance with any subpoena issued by a committee or subcommittee under subparagraph (1)(B) may be enforced only as authorized or directed by the House.

Use of committee funds for travel

(n)(1) Funds authorized for a committee under clause 5 are for expenses incurred in the committee's activities: however, local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds, including those authorized under clause 5, shall be expended for the purpose of defraying expenses of members of the committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to travel outside the United States or its territories or possessions:

(A) No member or employee of the committee shall receive or expend local currencies for subsistence in any country for any day at a rate in excess of the maximum per diem set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual, unreimbursed expenses (other than for transportation) incurred by the member or employee during that day.

(B) Each member or employee of the committee shall make to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. All such individual reports shall be filed no later than sixty days following the completion of travel with the chairman of the committee for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(2) In carrying out the committee's activities outside of the United States in any country where local currencies are unavailable, a member or employee of the committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law, or if the member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual unreimbursed expenses (other than for transportation) incurred, by the member or employee during any day.

(3) A member or employee of a committee may not receive reimbursement for the cost of any transportation in connection with travel outside of the United States unless the member or employee has actually paid for the transportation.

(4) The restrictions respecting travel outside of the United States set forth in subparagraphs (2) and (3) shall also apply to travel outside of the United States by Members, officers, and employees of the House authorized under clause 8 of Rule I, clause 1(b) of this rule, or any other provision of these Rules of the House of Representatives.

(5) No local currencies owned by the United States may be made available under this paragraph for the use outside of the United States for defraying the expenses of a member of any committee after—

(A) the date of the general election of Members in which the Member has not been elected to the succeeding Congress; or

(B) in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the last regular session of the Congress.

BROADCASTING OF COMMITTEE HEARINGS

3. (a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings, or committee meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution of the United States as an organ of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered, under authority of this clause, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations and shall not be such as to—

(1) distort the objectives and purposes of the hearing or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(b) cast discredit or dishonor on the House, the committee, or any Member or being in the House, the committee, or any Member into disrepute.

(d) The coverage of committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever any hearing or meeting conducted by any committee of the House is open to the public, that committee may permit, by majority vote of the committee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under such written rules as the committee may adopt in accordance with the purposes, provisions, and requirements of this clause: *Provided, however*, Each committee or subcommittee chairman shall determine, in his discretion, the number of television and still cameras permitted in a hearing or meeting room.

(f) The written rules which may be adopted by a committee under paragraph (e) of this cluase shall contain provisions to the following effect:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of this rule, relating to the protection of the rights of witnesses.

(3) The allocation among the television media of the positions of the number of television cameras permitted by a committee or subcommittee chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International News pictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

PRIVILEGED REPORTS AND AMENDMENTS

4. (a) The following committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Appropriations—on general appropriation bills and on joint resolutions continuing appropriations for a fiscal year if reported after September 15 preceding the beginning of such fiscal year; the Committee on the Budget—on the matters required to be reported by such committee under Titles III and IV of the Congressional Budget Act of 1974; the Committee on House Administration—on enrolled bills, contested election, and all matters referred to it of printing for the use of the House or the two Houses, and on all matters of expenditure of the contingent fund of the House and on all matters relating to preservation and availability of noncurrent records of the House under Rule XXXVI; the Committee on Rules—on rules, joint rules, and the order of business; and the Committee on Standards of Official Conduct—on resolutions recommending action by the House of Representatives with respect to an individual Member, offi cer, or employee of the House of Representatives as a result of any investigation by the committee relating to the official conduct of such Member, officer, or employee of the House of Representatives.

(b) It shall always be in order to call up for consideration a report from the Committee on Rules on a rule, joint rule, or the order of business (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting, but this provision shall not apply during the last three days of the session), and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced the Speaker shall not entertain any other dilatory motion until the report shall have been fully disposed of. The Committee on Rules shall not report any rule or order which provides that business under clause 7 of Rule XXIV shall be set aside by a vote of less than two-thirds of the Members present; nor shall it report any rule or order which would prevent the motion to recommit from being made as provided in clause 4 of Rule XVI.

(c) The Committee on Rules shall present to the House reports concerning rules, joint rules, and order of business, within three legislative days of the time when the bill or resolution involved is ordered reported by the committee. If any such rule or order is not considered immediately, it shall be referred to the calendar and, if not called up by the Member making the report within seven legislative days thereafter, any member of the Rules Committee may call it up as a question of privilege (but only on the day after the calendar day on which such Member announces to the House his intention to do so) and the Speaker shall recognize any member of the Rules Committee seeking recognition for that purpose. If the Committee on Rules makes an adverse report on any resolution pending before the committee, providing for an order of business for the consideration by the House of any public bill or joint resolution, on days when it shall be in order to call up motions to discharge committees it shall be in order for any Member of the House to call up for consideration by the House such adverse report, and it shall be in order to move the adoption by the House of such resolution and adversely reported notwithstanding the adverse report of the Committee on Rules, and the Speaker shall recognize the Member seeking recognition for that purpose as a question of the highest privilege.

(d) Whenever the Committee on Rules reports a resolution repealing or amending any of the Rules of the House of Representatives or part thereof it shall include in its report or in an accompanying document—

(1) the text of any part of the Rules of the House of Representatives which is proposed to be repealed; and

(2) a comparative print of any part of the resolution making such an amendment and any part of the Rules of the House of Representatives to be amended, showing by an appropriate typographical device the omissions and insertions proposed to be made.

COMMITTEE EXPENSES

5. (a) Whenever any committee, commission or other entity (except the Committee on Appropriations and the Committee on the Budget) is to be granted authorization for the payment, from the contingent fund of the House, of its expenses in any year, other than those expenses to be paid from appropriations provided by statute, such authorization initially shall be procured by one primary expense resolution for the committee, commission or other entity providing funds for the payment of the expenses of the committee, commission or other entity for that year from the contingent fund of the House. Any such primary expense resolution reported to the House shall not be considered in the House unless a printed report on that resolution has been made available to the Members of the House for at least one calendar day prior to the consideration of that resolution in the House. Such report shall, for the information of the House—

(1) state the total amount of the funds to be provided to the committee, commission or other entity under the primary expense resolution for all anticipated activities and programs of the committee, commission or other entity; and

(2) to the extent practicable, contain such general statements regarding the estimated foreseeable expenditures for the respective anticipated activities and programs of the committee, commission or other entity as may be appropriate to provide the House with basic estimates with respect to the expenditure generally of the funds to be provided to the committee, commission or other entity under the primary expense resolution.

(b) After the date of adoption by the House of any such primary expense resolution for any such committee, commission or other entity for any year, authorization for the payment from the contingent fund of additional expenses of such committee, commission or other entity in that year, other than those expenses to be paid from appropriations provided by statute, may be procured by one or more supplemental expense resolutions for that committee, commission or other entity as necessary. Any such supplemental expense resolution reported to the House shall not be considered in the House unless a printed report on that resolution has been made available to the Members of the House for at least one calendar day prior to the consideration of that resolution in the House. Such report shall, for the information of the House—

(1) state the total amount of additional funds to be provided to the committee, commission or other entity under the supplemental expense resolution and the purpose or purposes for which those additional funds are to be used by the committee, commission or other entity; and

(2) state the reason or reasons for the failure to procure the additional funds for the committee, commission or other entity by means of the primary expense resolution.

(c) The preceding provisions of this clause do not apply to—

(1) any resolution providing for the payment from the contingent fund of the House of sums necessary to pay compensation for staff services performed for, or to pay other expenses of, any committee, commission or other entity at any time from and after the beginning of any year and before the date of adoption by the House of the primary expense resolution providing funds to pay the expenses of that committee, commission or other entity for that year; or

(2) any resolution providing in any Congress, for all of the standing committees of the House, additional office equipment, airmail and special delivery postage stamps, supplies, staff personnel, or any other specific item for the operation of the standing committees, and containing an authorization for the payment from the contingent fund of the House of the expenses of any of the foregoing items provided by that resolution, subject to and until enactment of the provisions of the resolution as permanent law.

(d) From the funds provided for the appointment of committee staff pursuant to primary and additional expense resolutions—

(1) the chairman of each standing subcommittee of a standing committee of the House is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) the ranking minority party member of each standing subcommittee on each standing committee of the House is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party member.

(3) the staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed (A) 75 per centum of the maximum established in paragraph (c) of clause 6 or (B) the rate paid the staff member appointed pursuant to subparagraph (1) of this paragraph.

(4) for the purpose of this paragraph, (A) there shall be no more than six standing subcommittees of each standing committee of the House, except for the Committee on Appropriations, and (B) no member shall appoint more than one person pursuant to the above provisions.

(5) the staff positions made available to the subcommittee chairman and ranking minority party members pursuant to subparagraphs (1) and (2) of this paragraph shall be made available from the staff positions provided under clause 6 of Rule XI unless such staff positions are made available pursuant to a primary or additional expense resolution.

(e) No primary expense resolution or additional expense resolution of a committee may provide for the payment or reimbursement of expenses incurred by any member of the committee for travel by the member after the date of the general election of Members in which the Member is not elected to the succeeding Congress, or in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the last regular session of the Congress.

(f)(1) For continuance of necessary investigations and studies by—

(A) each standing committee and select committee established by these rules; and

(B) except as provided in subparagraph (2), each select committee established by resolution;

there shall be paid out of the contingent fund of the House such amounts as may be necessary for the period beginning at noon on January 3 and ending at midnight on March 31 of each year.

(2) In the case of the first session of a Congress, amounts shall be made available under this paragraph for a select committee established by resolution in the preceding Congress only if—

(A) a reestablishing resolution for such select committee is introduced in the present Congress; and

(B) no resolution of the preceding Congress provided for termination of funding of investigations and studies by such select committee at or before the end of the preceding Congress.

(3) Each committee receiving amounts under this paragraph shall be entitled, for each month in the period specified in subparagraph (1), to 9 per centum (or such lesser per centum as may be determined by the Committee on House Administration) of the total annualized amount made available under expense resolutions for such committee in the preceding session of Congress.

(4) Payments under this paragraph shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, except as provided in subparagraph (5), and approved by the Committee on House Administration.

(5) Nothwithstanding any provision of law, rule of the House, or other authority, from noon on January 3 of the first session of a Congress, until the election by the House of the committee involved in that Congress, payments under this paragraph shall be made on vouchers signed by—

(A) the chairman of such committee as constituted at the close of the preceding Congress; or

(B) if such chairman is not a Member in the present Congress, the ranking majority party member of such committee as constituted at the close of the preceding Congress who is a Member in the present Congress.

(6)(A) The authority of a committee to incur expenses under this paragraph shall expire upon agreement by the House to a primary expense resolution for such committee.

(B) Amounts made available under this paragraph shall be expended in accordance with regulations prescribed by the Committee on House Administration.

(C) The provisions of this paragraph shall be effective only insofar as not inconsistent with any resolution, reported by the Committtee on House Administration and adopted after the date of adoption of these rules.

COMMITTEE STAFFS

6. (a)(1) Subject to subparagraph (2) of this paragraph and paragraph (f) of this clause, each standing committee may appoint, by majority vote of the committee, not more than eighteen professional staff members. Each professional staff member appointed under this subparagraph shall be assigned to the chairman and the ranking minority party member of such committee, as the committee considers advisable.

(2) Subject to paragraph (f) of this clause, whenever a majority of the minority party members of a standing committee (except the Committee on Standards of Official Conduct and the Permanent Select Committee on Intelligence) so request, not more than six persons may be selected, by majority vote of the minority party members, for appointment by the committee as professional staff members from among the number authorized by subparagraph (1) of this paragraph. The committeee shall appoint any persons so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members may select other persons for appointment by the committee to the professional staff until such appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.

(3) The professional staff members of each standing committee—

(A) shall be appointed on a permanent basis, without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions;

(B) shall not engage in any work other than committee business; and

(C) shall not be assigned any duties other than those pertaining to committee business.

(4) Services of the professional staff members of each standing committee may be terminated by majority vote of the committee.

(5) The foregoing provisions of this paragraph do not apply to the Committee on Appropriations and to the Committee on the Budget and the provisions of subparagraphs (3) (B) and (C) do not apply to the Committee on Rules.

(b)(1) The clerical staff of each standing committee shall consist of not more than twelve clerks, to be attached to the office of the chairman, to the ranking minority party members, and to the professional staff, as the committee considers advisable. Subject to subparagraph (2) of this paragraph and paragraph (f) of this clause, the clerical staff shall be appointed by majority vote of the committee, without regard to race, creed, sex, or age. Except as provided by subparagraph (2) of this paragraph the clerical staff shall handle committee correspondence and stenographic work both for the committee staff and for the chairman and the ranking minority party member on matters related to committee work.

(2) Subject to paragraph (f) of this clause, whenever a majority of the minority party members of a standing committee (except the Committee on Standards of Official Conduct and the Permanent Select Committee on Intelligence) so request, four persons may be selected, by majority vote of the minority party members, for appointment by the committee to positions on the clerical staff from among the number of clerks authorized by subparagraph (1) of this paragraph. The committee shall appoint to those positions any person so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members, may select other persons for appointment by the committee to the position involved on the clerical staff until such appointment is made. Each clerk appointed under this subparagraph shall handle committee correspondence and stenographic work for the minority party members of the committee and for any members of the professional staff appointed under subparagraph (2) of paragraph (a) of this clause on matters related to committee work.

(3) Services of the clerical staff members of each standing committee may be terminated by majority vote of the committee.

(4) The foregoing provisions of this paragraph do not apply to the Committee on Appropriations and the Committee on the Budget.

(c) Each employee on the professional, clerical and investigating staff of each standing committee shall be entitled to pay at a single gross per annum rate, to be fixed by the chairman which does not exceed the maximum rate of pay, as in effect from time to time, under applicable provisions of law.

(d) Subject to appropriations hereby authorized, the Committee on Appropriations and the Committee on the Budget may appoint such staff, in addition to the clerk thereof and assistants for the minority, as it determines by majority vote to be necessary, such personnel, other than minority assistants, to possess such qualifications as the committee may prescribe.

(e) No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on House Administration.

(f) If a request for the appointment of a minority professional staff member under paragraph (a), or a minority clerical staff member under paragraph (b), is made when no vacancy exists to which that appointment may be made, the committee nevertheless shall appoint, under paragraph (a) or paragraph (b), as applicable, the person selected by the minority and acceptable to the committee. The person so appointed shall serve as an additional member of the professional staff or the clerical staff, as the case may be, of the committee, and shall be paid from the contingent fund, until such a vacancy (other than a vacancy in the position of head of the professional staff, by whatever title designated) occurs, at which time that person shall be deemed to have been appointed to that vacancy. If such vacancy occurs on the professional staff when seven or more persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party members shall designate which of those persons shall fill that vacancy.

(g) Each staff member appointed pursuant to a request by minority party members under paragraph (a) or (b) of this clause, and each staff member appointed to assist minority party members of a committee pursuant to an expense resolution described in paragraph (a) or (b) of clause 5, shall be accorded equitable treatment with respect to the fixing of his or her rate of pay, the assignment to him or her of work facilities, and the accessibility to him or her of committee records.

(h) Paragraphs (a) and (b) of this clause shall not be construed to authorize the appointment of additional professional or clerical staff members of a committee pursuant to a request under either of such paragraphs by the minority party members of that committee if six or more professional staff members or four or more clerical staff members, provided for in paragraph (a)(1) or paragraph (b)(1) of this clause, as the case may be, who are satisfactory to a majority of the minority party members, are otherwise assigned to assist the minority party members.

(i) Notwithstanding paragraphs (a)(2) and (b)(2), a committee may employ nonpartisan staff, in lieu of or in addition to committee staff designated exclusively for the majority or minority party, upon an affirmative vote of a majority of the members of the majority party and a majority of the members of the minority party.

RULES OF PROCEDURE FOR THE COMMITTEE ON APPROPRIATIONS FOR THE 102D CONGRESS

(Mr. WHITTEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, pursuant to and in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit for publication in the CONGRESSIONAL RECORD a copy of the Committee on Appropriations for the 102d Congress as approved by the committee on March 5, 1991:

RULES OF THE COMMITTEE ON APPROPRIATIONS

[Adopted for the 102d Congress on March 5, 1991]

Resolved, That the rules and practices of the Committee on Appropriations, House of Representatives, in the One Hundred First Congress, except as otherwise provided hereinafter, shall be and are hereby adopted as the rules and practices of the Committee on Appropriations in the One Hundred Second Congress.

The foregoing resolution adopts the following rules:

SEC. 1: POWER TO SIT AND ACT

For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House of Representatives, the Committee or any of its subcommittees is authorized:

(a) To sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(b) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, reports, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman, or any Member designated by the Chairman, may administer oaths to any witness.

(c) A subpoena may be authorized and issued by the Committee or its subcommittees under subsection 1(b) in the conduct of any

investigation or activity or series of investigations or activities only when authorized by a majority of the Members of the Committee voting, a majority being present. The power to authorize and issue subpoenas under subsection 1(b) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any member designated by the Committee.

(d) Compliance with any subpoenas issued by the Committee or its subcommittees may be enforced only as authorized or directed by the House.

SEC. 2: SUBCOMMITTEES

(a) The Majority Caucus of the Committee shall establish the number of subcommittees and shall determine the jurisdiction of each subcommittee.

(b) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee all matters referred to it.

(c) All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the Majority Members of the full Committee, consideration is to be by the full Committee.

(d) The Majority Caucus of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee. The Chairman is authorized to negotiate that ratio with the Minority; Provided, however, That party representation in each subcommittee, including ex-officio members, shall be no less favorable to the Majority than the ratio for the full Committee.

(e) The Chairman is authorized to sit as a member of any subcommittee and to participate in its work.

SEC. 3: COMMITTEE STAFF

(a) The Chairman is authorized to appoint the staff of the Committee, and make adjustments in the job titles and compensation thereof subject to the maximum rates and conditions established in Clause 6(c) of Rule XI of the Rules of the House of Representatives. In addition, he is authorized, in his discretion, to arrange for their specialized training. The Chairman is also authorized to employ additional personnel as necessary.

(b) The chairman of each subcommittee may select and designate a staff member who shall serve at the pleasure of the subcommittee chairman. Such staff member shall be compensated at a rate not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to these provisions.

(c) The ranking minority member of each subcommittee may select and designate a staff member who shall serve at the pleasure of the ranking minority member. Such staff member shall be compensated at a rate not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to these provisions.

(d) The Chairman, and the Ranking Minority Member with the approval of the Chairman, may each select and designate a staff member at an annual gross salary of not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives and may each select and designate one additional staff member.

(e) Each Member not mentioned in subsections (a), (b), (c), or (d) of this section may selet and designate a staff member who shall serve at the pleasure of that Member. Such staff member shall be compensated at a rate, determined by the Member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to subsections (a), (b), (c), (d), or (e); Provided further, That Members designating a staff member under this subsection must specifically certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

(f) In addition to any staff members appointed pursuant to any other subsection of this section, each Member may select and designate one additional staff member who shall serve at the pleasure of that Member. Such staff member shall be compensated at a rate, determined by the Member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to this subsection; Provided further, That Members designating an additional staff member under this subsection must specifically certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

SEC. 4: COMMITTEE MEETINGS

(a) Regular Meeting Day

The regular meeting day of the Committee shall be the first Wednesday of each month while the House is in session, unless the Committee has met within the past 30 days or the Chairman considers a specific meeting unnecessary in the light of the requirements of the Committee business schedule.

(b) Additional and Special Meetings

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Committee Members desire that a special meeting of the Committee be called by the Chairman, those Members may file in the Committee Offices a written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Upon the filing of the request, the Committee Clerk shall notify the Chairman.

(3) If within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Committee Members may file in the Committee Offices their written notice that a special meeting will be held, specifying the date and hour of such meeting, and the measure or matter to be considered. The Committee shall meet on that date and hour.

(4) Immediately upon the filing of the notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at the special meeting.

(c) Vice Chairman or Ranking Majority Member To Preside in Absence of Chairman

The member of the majority party on the Committee or subcommittee thereof ranking immediately after the chairman shall be vice chairman of the Committee or subcommittee, as the case may be, and shall preside at any meeting during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting of the Committee or subcommittee, the ranking member of the majority party who is present shall preside at that meeting.

(d) Business Meetings

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee and its subcommittees shall be open to the public except when the Committee or its subcommittees, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed.

(2) No person other than Committee Members and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed.

(3) The provisions of this subsection do not apply to open hearings of the Committee or its subcommittees which are provided for in Section 5(b)(1) of these Rules or to any meeting of the Committee relating solely to internal budget or personnel matters.

(e) Committee Records

(1) The Committee shall keep a complete record of all Committee action, including a record of the votes on any question on which a roll call is demanded. The result of each roll call shall be available for inspection by the public during regular business hours in the Committee Offices. The information made available for public inspection shall include a description of the amendment, motion, or other proposition, and the name of each Member voting for and each Member voting against, and the names of those Members present but not voting.

(2) All hearings, records, data, charts, and files of the Committee shall be kept separate and distinct from the congressional office records of the Chairman of the Committee. Such records shall be the property of the House, and all Members of the House shall have access thereto.

(3) The records of the Committee at the National Archives and Records Administration shall be made available in accordance with Rule XXXVI of the Rules of the House, except that the Committee authorizes use of any record to which Clause 3(b)(4) of Rule XXXVI of the Rules of the House would otherwise apply after such record has been in existence for 20 years. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to Clause 3(b)(3) or Clause 4(b) of Rule XXXVI of the Rules of the House, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination upon the written request of any Member of the Committee.

SEC. 5: COMMITTEE AND SUBCOMMITTEE HEARINGS

(a) Overall Budget Hearings

Overall budget hearings by the Committee, including the hearing required by Section 242(c) of the Legislative Reorganization Act of 1970 and Clause 4(a)(1) of the Rule X of the Rules of the House of Representatives shall be conducted in open session except when the Committee in open session and with a majority present, determines by roll call vote that the testimony to be taken at that hearing on that day may be related to a matter of national security; except that the Committee

may by the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy furnished to each Member, Delegate, and the Resident Commissioner from Puerto Rico.

(b) Other Hearings

(1) All other hearings conducted by the Committee or its subcommittees shall be open to the public except when the Committee or subcommittee in open session and with a majority present determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or Rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present at a hearing conducted by the Committee or any of its subcommittees, there being in attendance the number required under Section 5(c) of these Rules to be present for the purpose of taking testimony, (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives or (2) may vote to close the hearing, as provided in Clause 2(k)(5) of such Rule. No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or its subcommittees unless the House of Representatives shall by majority vote authorize the Committee or any of its subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public; Provided, however, That the Committee or its subcommittees may by the same procedure vote to close five subsequent days of hearings.

(2) Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(3) Each witness who is to appear before the Committee or any of its subcommittees as the case may be, insofar as is practicable, shall file in advance of such appearance, a written statement of the proposed testimony and shall limit the oral presentation at such appearance to a brief summary, except that this provision shall not apply to any witness appearing before the Committee in the overall budget hearings.

(c) Quorum for Taking Testimony

The number of Members of the Committee which shall constitute a quorum for taking testimony and receiving evidence in any hearing of the Committee shall be two.

(d) Calling and Interrogation of Witnesses

(1) The Minority Members of the Committee or its subcommittees shall be entitled, upon request to the Chairman or subcommittee chairman, by a majority of them before completion of any hearing, to call witnesses selected by the Minority to testify with respect to the matter under consideration during at least one day of hearings thereon.

(2) The Committee and its subcommittees shall observe the five-minute rule during the interrogation of witnesses until such times as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

(e) Broadcasting and Photographing of Committee Meetings and Hearings

(1) The Chairman is authorized to determine the extent and nature of broadcasting and photographic coverage for the overall budget hearing and full Committee meetings and hearings, subject to the guidelines for such coverage set forth in Section 116(b) of the Legislative Reorganization Act of 1970 and Clause 3(f) of Rule XI of the Rules of the House of Representatives.

(2) Unless approved by the Chairman and concurred in by a majority of the subcommittee, no subcommittee hearings or meetings shall be recorded by electronic device or broadcast by radio or television.

(3) Unless approved by the subcommittee chairman and concurred in by a majority of the subcommittee, no subcommittee hearing or meeting or subcommittee room shall be photographed.

(4) Broadcasting and photographic coverage of subcommittee hearings and meetings authorized under the provisions of (2) and (3) above shall be subject to the guidelines for such coverage set forth in Clause 3(f) of Rule XI of the Rules of the House of Representatives.

(f) Subcommittee Meetings

No subcommittee shall sit while the House is reading an appropriation measure for amendment under the five-minute rule or while the Committee is in session.

(g) Public Notice of Committee Hearings

The Chairman is authorized and directed to make public announcements of the date, place, and subject matter of Committee and subcommittee hearings at least one week before the commencement of such hearings. If the Committee or any of its subcommittees, as the case may be, determines that there is good cause to begin a hearing sooner, the Chairman is authorized and directed to make that announcement at the earliest possible date.

SEC. 6. PROCEDURES OF REPORTING BILLS AND RESOLUTIONS

(a) Prompt Reporting Requirement

(1) It shall be the duty of the Chairman, or cause to be reported promptly to the House any bill or resolution approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, a report on a bill or resolution which the Committee has approved shall be filed within seven calendar days (exclusive of days in which the House is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of Committee Members, for the reporting of such bill or resolution. Upon the filing of any such request, the Committee Clerk shall notify the Chairman immediately of the filing of the request. This subsection does not apply to the reporting of a regular appropriation bill or to the reporting of resolution of inquiry addressed to the head of an executive department.

(b) Presence of Committee Majority

No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(c) Roll Call Votes

With respect to each roll call vote on a motion to report any bill or resolution, the total number of votes cast for, and the total number of votes cast against, the reporting of such a bill or resolution shall be included in the Committee report.

(d) Compliance With Congressional Budget Act

A Committee report on a bill or resolution which has been approved by the Committee shall include the statement required by Section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the bill or resolution provides new budget authority.

(e) Inflationary Impact Statement

Each Committee report on a bill or resolution reported by the Committee shall contain a detailed analytical statement as to whether the enactment of such bill or resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(f) Changes in Existing Law

Each Committee report on a general appropriation bill shall contain a concise statement describing fully the effect of any provision of the bill which directly or indirectly changes the application of existing law.

(g) Rescissions and Transfers

Each bill or resolution reported by the Committee shall include separate headings for rescissions and transfers of unexpended balances with all proposed rescissions and transfers listed therein. The report of the Committee accompanying such a bill or resolution shall include a separate section with respect to such rescissions or transfers.

(h) Supplemental or Minority Views

(1) If, at the time the Committee approves any measure or matter, any Committee Member gives notice of intention to file supplemental, minority, or additional views, the Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by the Member, with the Clerk of the Committee. All such views so filed shall be included in and shall be a part of the report filed by the Committee with respect to that measure or matter.

(2) The Committee report on that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(ii) shall have on its cover a recital that any such supplemental, minority, or additional views are included as part of the report.

(3) Subsection (h)(1) of this section, above, does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by such subsection; or

(ii) the filing by the Committee of a supplemental report on a measure or matter which may be required for correction of any technical error in a previous report made by the Committee on that measure or matter.

(4) If, at the time a subcommittee approves any measure or matter for recommendation to the full Committee, any Member of that subcommittee who gives notice of intention to offer supplemental, minority, or additional views shall be entitled, insofar as is practicable and in accordance with the printing requirements as determined by the subcommittee, to include such views in the Committee Print with respect to that measure or matter.

(i) Availability of Reports

A copy of each bill, resolution, or report shall be made available to each Member of

the Committee at least three calendar days (excluding Saturdays, Sundays, and legal holidays) in advance of the date on which the Committee is to consider each bill, resolution, or report; Provided, That this subsection may be waived by agreement between the Chairman and the Ranking Minority Member of the full Committee.

SEC. 7: VOTING

(a) No vote by any Member of the Committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

(b) The vote on any question before the Committee shall be taken by the yeas and nays on the demand of one-fifth of the Members present.

SEC. 8: STUDIES AND EXAMINATIONS

The following procedure shall be applicable with respect to the conduct of studies and examinations of the organization and operation of Executive Agencies under authority contained in Section 202(b) of the Legislative Reorganization Act of 1946 and in Clause 2(b)(3) of Rule X, of the Rules of the House of Representatives.

(a) The Chairman is authorized to appoint such staff and, in his discretion, arrange for the procurement of temporary services of consultants, as from time to time may be required.

(b) Studies and examinations will be initiated upon the written request of a subcommittee which shall be reasonably specific and definite in character, and shall be initiated only by a majority vote of the subcommittee, with the chairman of the subcommittee and the ranking minority member thereof participating as part of such majority vote. When so initiated such request shall be filed with the Clerk of the Committee for submission to the Chairman and the Ranking Minority Member and their approval shall be required to make the same effective. Notwithstanding any action taken on such request by the chairman and ranking minority member of the subcommittee, a request may be approved by a majority of the Committee.

(c) Any request approved as provided under subsection (b) shall be immediately turned over to the staff appointed for action.

(d) Any information obtained by such staff shall be reported to the chairman of the subcommittee requesting such study and examination and to the Chairman and Ranking Minority Member, shall be made available to the members of the subcommittee concerned, and shall not be released for publication until the subcommittee so determines.

(e) Any hearings or investigations which may be desired, aside from the regular hearings on appropriation items, when approved by the Committee, shall be conducted by the subcommittee having jurisdiction over the matter.

SEC. 9: OFFICIAL TRAVEL

(a) The chairman of a subcommittee shall approve requests for travel by subcommittee members and staff for official business within the jurisdiction of that subcommittee. The ranking minority member of a subcommittee shall concur in such travel requests by minority members of that subcommittee and the Ranking Minority Member shall concur in such travel requests for Minority Members of the Committee. Requests in writing covering the purpose, itinerary, and dates of proposed travel shall be submitted for final approval to the Chairman. Specific approval shall be required for each and every trip.

(b) The Chairman is authorized during the recess of the Congress to approve travel authorizations for Committee Members and staff, including travel outside the United States.

(c) As soon as practicable, the Chairman shall direct the head of each Government agency concerned not to honor requests of subcommittees, individual Members, or staff for travel, the direct or indirect expenses of which are to be defrayed from an executive appropriation, except upon request from the Chairman.

(d) In accordance with Clause 2(n) of Rule XI of the Rules of the House of Representatives and Section 502(b) of the Mutual Security Act of 1954, as amended, local currencies owned by the United States shall be available to Committee Members and staff engaged in carrying out their official duties outside the United States, its territories, or possessions. No Committee Member or staff member shall receive or expend local currencies for subsistence in any country as a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(e) Travel Reports

(1) Members or staff shall make a report to the Chairman on their travel, covering the purpose, results, itinerary, expenses, and other pertinent comments.

(2) With respect to travel outside the United States or its territories or possessions, the report shall include: (1) an itemized list showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose; and (2) a summary in these categories of the total foreign currencies and/or appropriated funds expended. All such individual reports on foreign travel shall be filed with the Chairman no later than sixty days following completion of the travel for use in complying with reporting requirements in applicable Federal law, and shall be open for public inspection.

(3) Each Member or employee performing such travel shall be solely responsible for supporting the amounts reported by the Member or employee.

(4) No report or statement as to any trip shall be publicized making any recommendations in behalf of the Committee without the authorization of a majority of the Committee.

(f) Members and staff of the Committee performing authorized travel on official business pertaining to the jurisdiction of the Committee shall be governed by applicable laws or regulations of the House and of the Committee on House Administration pertaining to such travel, and as promulgated from time to time by the Chairman.

SEC. 10: ELIGIBILITY OF COMMITTEE MEMBER SERVING AS BUDGET COMMITTEE CHAIRMAN FOR APPROPRIATIONS SUBCOMMITTEE CHAIRMANSHIP

If the Chairman of the Budget Committee of the House of Representatives is chairman of a subcommittee on the Appropriations Committee when he becomes Budget Committee Chairman, or would be eligible to become chairman of an Appropriations subcommittee under the Rules of the Majority Caucus of the House of Representatives during his tenure as Budget Committee Chairman, the Appropriations Committee may nominate such Member to serve as chairman of such subcommittee, subject to the approval of the Majority Caucus. But, if so elected and confirmed, the Member shall take a leave of absence while Chairman of the Budget Committee, and the responsibilities of the subcommittee chairmanship shall devolve onto a temporary chairman as determined by the Appropriations Committee and the Majority Caucus of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACOBS (at his own request), for March 20, 21, and 22, on account of stork.

Mr. ORTIZ (at the request of Mr. GEPHARDT), for today, on account of illness in the family.

Mr. SENSENBRENNER (at the request of Mr. MICHEL), for between 3:45 and 6 p.m. today, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. MCEWEN, for 60 minutes, today.

Mrs. BENTLEY, for 5 minutes, today.

Mrs. BENTLEY, for 60 minutes each day, on March 12, 13, 19, and 20.

Mr. RIGGS, for 60 minutes, on March 11.

(The following Members (at the request of Mr. STAGGERS) to revise and extend their remarks and include extraneous material:)

Mr. LUKEN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. LAFALCE, for 30 minutes, today.

Mr. BRUCE, for 60 minutes, today.

Ms. SLAUGHTER of New York, for 60 minutes each day, on April 10 and 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Ms. SNOWE.

Mr. DREIER of California.

Mr. FISH.

Mr. BLAZ.

Mr. BLILEY.

Mr. RINALDO.

Mr. COBLE.

Mr. DUNCAN.

Mr. SANTORUM.

Mr. WELDON.

Mr. BALLENGER.

Mr. GRADISON.

Mr. CRANE.

Ms. ROS-LEHTINEN.

Mr. CAMPBELL of California.

Mr. GILMAN.

Mr. BEREUTER.

Mr. SCHULZE.

Mr. GREEN of New York.

Mr. YOUNG of Florida.
Mr. SHAW.
Mrs. BENTLEY.

(The following Members (at the request of Mr. STAGGERS) to revise and extend their remarks and to include extraneous matter:)

Mr. DOWNEY.
Mr. SMITH of Florida.
Mr. TRAFICANT in two instances.
Mr. JACOBS.
Mr. GUARINI.
Mr. DERRICK.
Mr. HOCHBRUECKNER.
Mr. BACCHUS.
Mr. HAMILTON.
Mr. SCHEUER.
Mr. MAZZOLI in two instances.
Mr. CLEMENT.
Mr. MATSUI.
Mr. OBERSTAR.
Mr. WILLIAMS in three instances.
Mr. MCDERMOTT.
Mr. FUSTER.
Mr. DWYER of New Jersey.
Mr. DE LUGO.
Mrs. SCHROEDER.
Mr. TOWNS.
Mr. BROWN.
Ms. PELOSI.
Mr. ANDREWS of Texas.
Mr. DORGAN of North Dakota.
Mrs. LOWEY of New York.
Mr. HUBBARD.
Mr. SWETT in two instances.

BILL PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On March 6, 1991:

H.R. 555. An act to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that Act; to amend title 38, United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until Monday, March 11, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

800. A communication from the President of the United States, transmitting a request for a dire emergency supplemental appropriation for fiscal year 1991 for International Security Assistance, pursuant to 31 U.S.C. 1107 (Doc. No. 102-53) to the Committee on Appropriations and ordered to be printed.

801. A letter from the Secretary, Department of Defense, transmitting the 1991 joint military net assessment, pursuant to 10 U.S.C. 113(j); to the Committee on Armed Services.

802. A letter from the Secretary of Defense, transmitting the Defense Reserve Forces Policy Board's annual report for fiscal year 1990, pursuant to 10 U.S.C. 115(a); to the Committee on Armed Services.

803. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of major defense equipment sold commercially (Transmittal No. DTC-14-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

804. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Brazil (Transmittal No. 6-91), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

805. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment sold commercially to Taiwan (Transmittal No. DTC-16-91), pursuant to 22 U.S.C. 2776a(d); to the Committee on Foreign Affairs.

806. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 22d 90-day report of progress of case on the investigation into the death of Enrique Camarena, 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, pursuant to Public Law 99-93, section 134(c) (99 Stat. 421); to the Committee on Foreign Affairs.

807. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting a report on economic conditions prevailing in Turkey that may affect its ability to meet its international debt obligations and to stabilize its economy, pursuant to 22 U.S.C. 2346 nt.; to the Committee on Foreign Affairs.

808. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

809. A letter from the Deputy Secretary of Defense, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

810. A letter from the Environmental Protection Agency, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

811. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

812. A letter from the Director, Office of Legislative and Public Affairs, National Science Foundation, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

813. A letter 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.

814. A letter from the Chairman, Panama Canal Commission, transmitting a draft of proposed legislation to authorize expenditures for fiscal years 1992 and 1993 for the operation and maintenance of the Panama Canal and for other purposes; to the Committee on Merchant Marine and Fisheries.

815. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend the Ethics in Government Act of 1978 to authorize an extension of time for filing financial disclosure reports required by such act for persons serving in a designated combat zone for up to 180 days after the person returns from such combat zone; jointly, to the Committees on Armed Services and Post Office and Civil Service.

816. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend title 38, United States Code, to provide reemployment assistance to persons after service in the uniformed services, to encourage affiliation with and active participation in traning programs of the Reserve components, and for other purposes; jointly, to the Committees on Veterans' Affairs and Post Office and Civil Service.

817. A letter from the Secretary of the Energy, transmitting a copy of the report "Clean Coal Technology Demonstration Program: Program Update 1990"; jointly, to the Committee on Appropriations, Science, Space, and Technology, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules: House Resolution 105. A resolution providing for the consideration of H.R. 1315 to provide additional funding for the Resolution Trust Corporation (Rept. 102-13). Referred to the House Calendar.

Mr. DINGELL: Committee on Education and Labor. Report on the subdivision of budget totals for fical year 1991 (Rept. 102-14). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN: Committee on Science, Space and Technology. Report on the subdivision of budget totals for fiscal year 1991 (Rept. 102-15). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. ASPIN: Committee on Armed Services. H.R. 1175, a bill to authorize supplemental appropriations for fiscal year 1991 in connection with operations in and around the Persian Gulf presently known as Operation Desert Shield/Storm, and for other purposes with amendments; referred to the Committee on Appropriations for a period not to exceed 15 legislative days, with instructions to report back to the House as provided in sec-

tion 401(b) of Public Law 93-344 (Rept. 102-16, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYLIE:

H.R. 1315. A bill to provide funding for the Resolution Trust Corporation; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ACKERMAN:

H.R. 1316. A bill to amend chapter 54 of title 5, United States Code, to extend and improve the performance management and recognition system, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON (for himself, Mr. CONDIT, Mr. COMBEST, Mr. TANNER, Mr. TRAFICANT, Mr. FRANK of Massachusetts, Mr. MCNULTY, and Mr. MCGRATH):

H.R. 1317. A bill to restrict U.S. economic and military assistance to Jordan; jointly, to the Committee on Foreign Affairs, Agriculture, Banking, Finance and Urban Affairs, Intelligence (Permanent Select), and Ways and Means.

By Mr. BRUCE (for himself, Mr. BILLEY, Mr. TAUZIN, Mr. ROWLAND, Mr. FIELDS, Mr. BILIRAKIS, Mr. SLATTERY, Mr. HARRIS, Mr. SCHAEFER, Mr. BARTON of Texas, Mr. MCMILLEN of Maryland, Mr. MCMILLAN of North Carolina, Mr. DREIER of California, Ms. KAPTUR, Mr. JONTZ, Mr. SANGMEISTER, Mr. COSTELLO, Mr. LIPINSKI, Mr. WALSH, Mrs. MEYERS of Kansas, Mr. NEAL of North Carolina, Mr. LANCASTER, Mr. HUGHES, Mr. CALLAHAN, Mr. MFUME, and Mr. ZIMMER):

H.R. 1318. A bill to facilitate use of degradable plastics, without adversely affecting recycling of nondegradable plastic products, by requiring 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; to the Committee on Energy and Commerce.

By Mr. CAMPBELL of California (for himself, Mr. LANTOS, Mr. PANETTA, Mr. LEWIS of Florida, Mr. BENNETT, and Mr. RAVENEL):

H.R. 1319. A bill to amend the Outer Continental Shelf Lands Act to allow State disapproval of Federal offshore leasing decisions; to the Committee on Interior and Insular Affairs.

By Mr. JONES of North Carolina (for himself, Mr. DAVIS, Mr. TAUZIN, Mr. ANDERSON, Mr. DINGELL, and Mr. LAUGHLIN):

H.R. 1320. A bill relating to the enhancement of the Nation's fish and wildlife resources, the National Wildlife Refuge System, and for other purposes; jointly, to the Committee on Merchant Marine and Fisheries and Interior and Insular Affairs.

By Mr. CAMPBELL of Colorado:

H.R. 1321. A bill to redesignate the Black Canyon of the Gunnison National Monument as a national park, to create the Black Canyon of the Gunnison National Conservation Area, to include the Gunnison River in the Nation's Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1322. A bill to authorize services for the prevention, intervention, treatment, and aftercare of American Indian and Alaskan Native children and their families at risk for fetal alcohol syndrome (FAS) and fetal alcohol effect (FAE); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. CLINGER (for himself and Mr. KOSTMAYER):

H.R. 1323. 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 Interior and Insular Affairs.

By Mr. DERRICK:

H.R. 1324. A bill to amend the Internal Revenue Code of 1986, the Federal Election Campaign Act of 1971, and the Communications Act of 1934 to reform financing of congressional elections, and for other purposes; jointly, to the Committees on Ways and Means, House Administration, and Energy and Commerce.

By Mr. UPTON:

H.R. 1325. A bill to amend the Urban Mass Transportation Act of 1964 to increase the percentage of funds allocated to rural areas, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. DORGAN of North Dakota:

H.R. 1326. A bill to clarify that Federal assistance provided with respect to domestic building and loan associations shall be treated as compensation for purposes of determining the deduction for losses, and for other purposes; to the Committee on Ways and Means.

By Mr. DOWNEY:

H.R. 1327. A bill to amend the Older Americans Act of 1965 to require the Commissioner to publish annually a report regarding projects completed under title IV of such act; to the Committee on Education and Labor.

By Mr. FLAKE (for himself and Mr. MFUME):

H.R. 1328. A bill to authorize supplemental appropriations for fiscal year 1991 for relief, rehabilitation, and reconstruction in Liberia; to the Committee on Foreign Affairs.

By Mr. FRANK of Massachusetts:

H.R. 1329. A bill to exclude foreign reparation payments from considerations as income in determining eligibility and benefits under Federal housing assistance programs; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HAYES of Louisiana (for himself, Mr. RIDGE, Mr. TAUZIN, Mr. YOUNG of Alaska, Mr. ANTHONY, Mr. LAFALCE, Mr. HAMMERSCHMIDT, Mr. BROOKS, Mr. CLINGER, Mr. SHUSTER, Mr. VALENTINE, Mr. MCCRERY, Mr. SLATTERY, Mr. CALLAHAN, Mr. SISISKY, Mr. MONTGOMERY, Mr. PICKETT, Mr. LIVINGSTON, Mr. BAKER, Mr. BATEMAN, Mr. FIELDS, Mr. HUCKABY, Mrs. VUCANOVICH, Mr. HANSEN, Mr. THOMAS of Wyoming, Mr. LAUGHLIN, Mr. CHAPMAN, Mr. EMERSON, Mr. PAXON, Mr. WILSON, Mr. INHOFE, Mr. BLAZ, Mr. PEASE, Mr. DELAY, Mr. HANCOCK, Mr. LEWIS of California, Mr. HERGER, Mr. OLIN, Mr. MCEWEN, Mr. ROGERS, Mr. BARNARD, Mr. LANCASTER, Mr. PAYNE of Virginia, Mr. MURPHY, Mr. RITTER, Mr. TALLON, Mr. HARRIS, Mr. HEFNER, Mr. PARKER, Mr. BREWSTER, Mr. HOLLOWAY, Mr. RHODES, Mr. COMBEST, AND Mr. KYL):

H.R. 1330. A bill to amend the Federal Water Pollution Control Act to establish a comprehensive program for conserving and managing wetlands in the United States, and for other purposes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. FRANK of Massachusetts:

H.R. 1331. A bill to impose quantitative restrictions on the importantion of Chinese textiles until the Government of the People's Republic of China grants internationally recognized worker rights; to the Committee on Ways and Means.

H.R. 1332. A bill to amend the Internal Revenue Code of 1986 to provide that an unmarried individual who maintains a household shall be considered a head of household, without regard to whether the individual has a dependent who is a member of the household; to the Committee on Ways and Means.

H.R. 1333. A bill to amend the Internal Revenue Code of 1986 to provide that a married individual who maintains a separate household shall be treated as unmarried: to the Committee on Ways and Means.

H.R. 1334. A bill to amend titles II and XVIII of the Social Security Act to eliminate the 5-month waiting period required in order for an individual to be eligible for benefits based on disability or for the disability freeze and to eliminate the 24-month waiting period for disabled individuals to become eligible for Medicare benefits; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 1335. A bill to amend title XVIII of the Social Security Act to limit the penalty for late enrollment under the Medicare Program to 10 percent and twice the period of no enrollment; jointly to the Committees on Ways and Means and Energy and Commerce.

By Mr. GEKAS:

H.R. 1336. A bill to direct the appointment of an independent counsel to investigate whether offenses against the United States or the law of nations by Iraq or its leaders took place during the recent military occupation of Kuwait, and for other purposes; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 1337. A bill to amend the National Housing Act to provide mortgage assistance payments to avoid foreclosure on mortgages of members of the Armed Forces who are killed or seriously injured while on active duty; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GUARINI (for himself and Mr. MOODY):

H.R. 1338. A bill to clarify the treatment of certain Federal financial assistance provided to saving and loan institutions; to the Committee on Ways and Means.

By Mr. HAMILTON:

H.R. 1339. A bill to require Presidential general election candidates who receive amounts from the Presidential Election Campaign Fund to make public presentations of their views on policy issues of national importance; to the Committee on House Administration.

By Mr. HUGHES (for himself and Mr. ANDREWS of New Jersey):

H.R. 1340. A bill to authorize the Secretary of Education to make a grant to Glassboro State College for the construction of library facilities; to the Committee on Education and Labor.

By Mr. KANJORSKI:

H.R. 1341. A bill to amend title 5, United States Code, to require that a Federal em-

ployee be given at least 60 days written notice before being released due to a reduction in force; to the Committee on Post Office and Civil Service.

By Mr. LANTOS (for himself, Mrs. SCHROEDER, Mr. FRANK of Massachusetts, Mr. MARTINEZ, Ms. PELOSI, Mr. OWENS of New York, and Mr. WEISS):

H.R. 1342. A bill to modify the authority of the Equal Opportunity Commission to investigate and determine discrimination claims made by Federal employees against the Federal Government, and for other purposes; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. LEVINE of California (for himself, Mr. BERMAN, Mr. KOSTMAYER, and Mr. GILMAN):

H.R. 1343. A bill to encourage arms control in the Middle East, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LEWIS of Georgia (for himself, Mr. SHAW, Mr. BOEHLERT, Mr. BROWN of California, Mr. ANDREWS of Texas, Mr. UDALL, Mr. WOLF, Ms. PELOSI, Mr. DURBIN, Mr. PAYNE of New Jersey, Mr. BEILENSON, Mr. HUGHES, Mr. MILLER of California, Mr. HORTON, Mr. IRELAND, Mr. DELLUMS, Mr. MCDERMOTT, Mr. MACHTLEY, Mr. KENNEDY, Mr. SOLARZ, Mr. BENNETT, Mr. GILMAN, Mrs. MORELLA, Mr. CONYERS, Mr. MFUME, Mr. REED, Mr. HYDE, Mr. FALEOMAVAEGA, and Mr. STUDDS):

H.R. 1344. A bill to amend title 23, United States Code, to limit outdoor advertising adjacent to Interstate and Federal-aid primary highways; to the Committee on Public Works and Transportation.

By Mr. MCCOLLUM (for himself and Mr. STENHOLM):

H.R. 1345. A bill to improve certain requirements with respect to funds provided by the Legal Services Corporation; to the Committee on the Judiciary.

By Mr. MCDERMOTT (for himself, Ms. PELOSI, Mr. ABERCROMBIE, Mr. ANNUNZIO, Mr. ATKINS, Mr. BEILENSON, Mr. BOUCHER, Mrs. BOXER, Mrs. COLLINS of Illinois, Mr. DEFAZIO, Mr. DELLUMS, Mr. FRANK of Massachusetts, Mr. HAYES of Illinois, Mr. JONTZ, Mr. KENNEDY, Mr. MATSUI, Mr. MFUME, Mr. MILLER of California, Mr. MOODY, Mr. OLIN, Mr. PANETTA, Mr. RICHARDSON, Mr. RUSSO, Mr. SANDERS, Mr. SIKORSKI, Ms. SLAUGHTER of New York, Mr. SWIFT, Mrs. UNSOELD, Mr. WILLIAMS, Mr. WYDEN, and Mr. YATES):

H.R. 1346. A bill to withhold United States military assistance for El Salvador, subject to certain conditions; jointly, to the Committees on Foreign Affairs and Intelligence (Permanent Select).

By Mr. MARKEY:

H.R. 1347. A bill to provide regulatory incentives to promote national treatment by foreign countries to U.S. providers of certain financial and communications services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MATSUI (for himself, Mr. PICKLE, Mr. GIBBONS, Mr. ARCHER, Mr. STARK, Mr. ANDREWS of Texas, Mr. VANDER JAGT, Mr. JACOBS, Mr. GRADISON, Mr. JENKINS, Mr. THOMAS of California, Mr. DOWNEY, Mr. MCGRATH, Mr. GUARINI, Mr. SHAW, Mr. ANTHONY, Mr. DORGAN of North Dakota, Mrs. JOHNSON of Connecticut, Mr. DONNELLY, Mr. COYNE, Mr. MOODY, Mr. DURBIN, Mr. COSTELLO, Mr. LIPINSKI, Mr. MAVROULES, Mr. WASHINGTON, Mr. BARTLETT, Mr. KYL, Mr. POSHARD, Mr. FEIGHAN, Mr. NEAL of Massachusetts, Mr. FROST, Mr. DORNAN of California, Mr. PERKINS, Mr. BRUCE, Mr. DYMALLY, Mr. FRANK of Massachusetts, Mr. YOUNG of Alaska, Mr. HERTEL, Mr. KOLTER, Mr. HOAGLAND, Mr. BILBRAY, Mr. KILDEE, Mr. WYDEN, Mr. LEVINE of California, Mr. ANNUNZIO, Mr. ORTIZ, Mr. COLEMAN of Texas, Mrs. LOWEY of New York, Mr. PALLONE, and Mr. FAZIO):

H.R. 1348. A bill entitled, "the Public Pension Equity Restoration Act of 1991"; to the Committee on Ways and Means.

By Mr. OWENS of Utah:

H.R. 1349. A bill to provide for partial public funding and broadcast media cost incentives for House of Representatives general election candidates who agree to limit their total expenditures and the proportion of contributions accepted from multicandidate political committees and certain other sources, and for other purposes; jointly, to the Committees on House Administration, Ways and Means, and Energy and Commerce.

By Mr. PAXON:

H.R. 1350. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for residential lead abatement expenses; to the Committee on Ways and Means.

By Mr. ROE (for himself (by request), Mr. MINETA, Mr. HAMMERSCHMIDT, and Mr. SHUSTER):

H.R. 1351. A bill to authorize funds for construction of highways, for highway safety programs, for mass transportation programs, and for other purposes; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Mrs. ROUKEMA:

H.R. 1352. A bill to amend the Internal Revenue Code of 1986 to permit penalty-free withdrawals from individual retirement plans for the acquisition of a first home; to the Committee on Ways and Means.

By Mr. SANDERS:

H.R. 1353. A bill entitled the "Taconic Mountains Protection Act of 1991"; to the Committee on Agriculture.

By Mr. SCHEUER (for himself, Mr. ACKERMAN, Mr. ANNUNZIO, Mr. AUCOIN, Mr. BEILENSON, Mr. BILBRAY, Mr. BONIOR, Mr. BROWN, Mr. CHANDLER, Mr. DELLUMS, Mr. DWYER of New Jersey, Mr. EDWARDS of California, Mr. FEIGHAN, Mr. FORD of Tennessee, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. GIBBONS, Mr. GOSS, Mr. GREEN, Mr. GUARINI, Mr. HAYES of Illinois, Mr. HUGHES, Mr. HYDE, Mr. JACOBS, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LIPINSKI, Mr. MACHTLEY, Mr. MATSUI, Mr. MCCOLLUM, Mr. MCMILLEN of Maryland, Mr. MFUME, Mr. MINETA, Mr. MOORHEAD, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. PORTER, Mr. RINALDO, Mr. SCHUMER, Mr. SHAW, Mr. SHAYS, Mr. STARK, Mr. TOWNS, Mr. TRAFICANT, Mr. VALENTINE, Mr. VENTO, Mr. WAXMAN, Mr. YATES, Mr. WHEAT, Mr. FAWELL, Mr. TORRES, Mr. MARTINEZ, Mr. DORNAN of California, Mr. MAVROULES, Mr. LEVINE of California, Mr. BENNETT, Mr. ABERCROMBIE, Mr. MILLER of California, Mr. CLAY, and Mrs. BOXER):

H.R. 1354. A bill to end the use of steel jaw leghold traps on animals in the United States; to the Committee on Energy and Commerce;

By Mr. SCHULZE:

H.R. 1355. A bill to amend the Internal Revenue Code of 1986 to deny tax-exempt status for rural electric cooperatives having gross receipts exceeding a certain amount; to the Committee on Ways and Means.

By Mr. SCHULZE (for himself, Mr. RANGEL, Mr. COUGHLIN, Mr. HYDE, Mr. SENSENBRENNER, Mr. BENNETT, Mr. DELAY, Mr. ARMEY, Mr. OXLEY, Mr. LIPINSKI, Mr. PORTER, Mr. HANSEN, Mr. STUMP, Mr. LIVINGSTON, Mr. HOCHBRUECKNER, Mr. EMERSON, Mr. HENRY, Mr. DANNEMEYER, Mr. BARTON of Texas, and Mr. HASTERT):

H.R. 1356. A bill to require certain Federal monetary awards payable to persons who provide information leading to the arrest and conviction of individuals for the unlawful sale, or possession for sale, of a controlled substance or controlled substance analog; and to provide for incentive awards to States payable from certain funds arising from forfeitures under Federal drug laws; to the Committee on the Judiciary.

By Mr. SHARP:

H.R. 1357. A bill to exempt section 721 of the Defense Production Act of 1950 from termination; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. SHAW (for himself and Mr. BACCHUS):

H.R. 1358. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Ways and Means.

By Ms. SNOWE:

H.R. 1359. A bill to to provide for the applicability of combat-related tax benefits to reservists and National Guard members deployed overseas in connection with the Persian Gulf conflict; to the Committee on Ways and Means.

By Ms. SNOWE (for herself, Mrs. SCHROEDER, Mr. OBERSTAR, Mr. BUSTAMANTE, Ms. OAKAR, Mr. WEISS, Ms. PELOSI, Mr. MFUME, Mr. TOWNS, Mr. EVANS, Mr. FRANK of Massachusetts, Mrs. UNSOELD, Mr. MCDERMOTT, Mr. ROYBAL, Mr. ESPY, Mr. BERMAN, Mr. EDWARDS of California, Mr. LEHMAN of Florida, Mr. OWENS of New York, Mr. AUCOIN, Mr. BORSKI, Mr. MURPHY, Mr. MOODY, Mr. DEFAZIO, Mr. RANGEL, Mr. LANTOS, Mr. DE LUGO, Mr. TRAXLER, Mr. DORGAN of North Dakota, Mr. DELLUMS, Mr. TRAFICANT, Mr. APPLEGATE, Mr. OLIN, Mr. PENNY, Mr. RUSSO, Mr. SIKORSKI, Mr. YATES, Mr. RICHARDSON, Mr. BOUCHER, Mr. GREEN, Mr. RAMSTAD, Mr. WILLIAMS, Mr. OWENS of Utah, Mr. PANETTA, Mr. SERRANO, Mr. SCHAEFER, Mr. HALL of Ohio, and Mr. ATKINS):

H.R. 1360. A bill to promote the integration of women in the development process in developing countries; to the Committee on Foreign Affairs.

By Mr. STAGGERS (for himself, Mr. MORAN, Mr. STARK, Mr. CAMPBELL of Colorado, Mr. TOWNS, Mr. MRAZEK, Mr. DWYER of New Jersey, Mr. KOLTER, and Mr. ECKART):

H.R. 1361. A bill to provide law enforcement authority for criminal investigators of the Offices of Inspectors General, and for other purposes; jointly, to the Committees on Government Operations and the Judiciary.

By Mr. SWIFT:

H.R. 1362. A bill to authorize appropriations for the Federal Election Commission

for fiscal year 1992; to the Committee on House Administration.

By Mr. SWIFT (for himself Mr. YOUNG of Alaska, Mr. DICKS, and Mrs. UNSOELD);

H.R. 1363. A bill to amend the Internal Revenue Code of 1986 to allow a deduction against self-employment income for amounts deposited into a capital construction fund; to the Committee on Ways and Means.

By Mr. WILLIAMS:

H.R. 1364. A bill to amend the Job Corps provisions of the Job Training Partnership Act; to the Committee on Education and Labor.

H.R. 1365. A bill to amend the Job Training Partnership Act to provide for disaster relief employment assistance; to the Committee on Education and Labor.

By Mr. WILLIAMS (for himself and Mr. DORGAN of North Dakota):

H.R. 1366. A bill to clarify that the inspection of meat and poultry products offered for import into the United States is to be conducted by U.S. personnel, and for other purposes; to the Committee on Agriculture.

By Mr. FALEOMAVAEGA (for himself, Mr. CAMPBELL of Colorado, Mr. MILLER of California, Mr. RHODES, Mr. RICHARDSON, Mr. CLEMENT, Mr. HARRIS, Mr. HORTON, Ms. LONG, Mr. POSHARD, Mr. SLATTERY, and Mr. STOKES):

H.J. Res. 182. Joint resolution to authorize and request the President to proclaim the month of November 1991, and thereafter as "National American Indian Heritage Month"; to the Committee on Post Office and Civil Service.

By Mr. KENNEDY (for himself, Mr. TOWNS, Mr. HEFNER, Mr. ROYBAL, Mr. TALLON, Mr. MATSUI, Mr. ALEXANDER, Ms. LONG, Mr. GORDON, Mr. ESPY, Mr. HAMILTON, Mr. SCHEUER, Mr. SOLARZ, Mr. FEIGHAN, Mr. CLEMENT, Mr. HOCHBRUECKNER, Mr. BILIRAKIS, Mr. LAFALCE, Ms. OAKAR, Mr. RAHALL, Mr. MCMILLEN of Maryland, Mr. DWYER of New Jersey, Mr. WOLF, Mr. LEHMAN of Florida, Mr. MFUME, Mr. VALENTINE, Mr. ERDREICH, Ms. NORTON, Mr. GINGRICH, Mr. PAYNE of New Jersey, Mrs. MINK, Mr. WOLPE, Mr. MACHTLEY, Mr. GUARINI, Mr. ROE, Mr. BILBRAY, Mr. HARRIS, Mrs. PATTERSON, Mr. ACKERMAN, Mr. DE LA GARZA, Mr. LEVIN of Michigan, Mr. LANCASTER, Mr. BROWN of California, Mr. KOPETSKI, Mr. WHEAT, Mr. JONTZ, Mr. WEISS, Mr. HAYES of Illinois, Mr. LAGOMARSINO, Mr. SWETT, Mr. JEFFERSON, Mr. FRANK of Massachusetts, Mr. GEKAS, Mr. SPRATT, Mr. EVANS, Mr. TRAXLER, Mr. GILCHREST, Mrs. BYRON, Mr. WALSH, Ms. PELOSI, Mr. OWENS of Utah, Mr. CRAMER, Mr. SANDERS, Mrs. BOXER, Mr. POSHARD, Mr. VENTO, Mr. LIPINSKI, Mr. MRAZEK, Mr. KLUG, Mr. JENKINS, Mr. MCNULTY, and Mr. HORTON):

H.J. Res. 183. Joint resolution to designate the second Sunday in October of 1991 as "National Children's Day"; to the Committee on Post Office and Civil Service.

By Mr. OWENS of Utah:

H.J. Res. 184. Joint resolution proposing an amendment to the Constitution of the United States to provide for staggered 4-year terms for Representatives, to permit the Congress to regulate expenditures in elections for Federal office, and to require a Representative who becomes a candidate for the office of Senator to vacate his seat in the House of Representatives; to the Committee on the Judiciary.

By Mr. WELDON:

H.J. Res. 185. Joint resolution to designate May 27, 1991, as "National Hero Remembrance Day"; to the Committee on Post Office and Civil Service.

By Mr. BONIOR:

H. Con. Res. 93. Concurrent resolution relating to peace in the Middle East following the Persian Gulf conflict; to the Committee on Foreign Affairs.

By Mr. CAMPBELL of California:

H. Con. Res. 94. Concurrent resolution concerning United States foreign policy toward Israel and Syria; to the Committee on Foreign Affairs.

By Mr. ECKART (for himself, Mr. SISISKY, Mr. LAFALCE, Mr. IRELAND, Mr. SKELTON, Mr. WYDEN, Mr. OLIN, Mr. MCDADE, Mr. MAVROULES, Mr. LANCASTER, Mr. SLAUGHTER of Virginia, Mr. COMBEST, Mrs. MEYERS of Kansas, Mr. BAKER, Mr. SARPALIUS, Mr. RAMSTAD, Mr. MAZZOLI, Mr. BROOMFIELD, Mr. HANCOCK, Mr. FRANKS of Connecticut, Mr. TORRES, Mr. RAY, Mr. NEAL of Massachusetts, Mr. MFUME, Mr. BILBRAY, Mr. CAMP, Mr. HATCHER, Mr. PAYNE of New Jersey, Mr. UPTON, Mr. SAVAGE, Mr. BOEHNER, Mr. ENGEL, Mr. ANDREWS of Maine, Mr. ANDREWS of New Jersey, Mr. DOOLEY, Mr. CONYERS, Mr. SERRANO, Mr. ORTON, Mr. FLAKE, and Mr. MACHTLEY):

H. Con. Res. 95. Concurrent resolution expressing the sense of Congress that the Federal Government should assist United States small businesses seeking to become involved in the rebuilding of Kuwait, and for other purposes; jointly, to the Committee on Foreign Affairs, Small Business, Armed Services, and Banking, Finance and Urban Affairs.

By Mr. SMITH of Texas (for himself, Mr. PENNY, Mr. THOMAS of Wyoming, Mr. HOLLOWAY, Mr. RAVENEL, Mr. DUNCAN, Mr. SAXTON, Mr. BALLENGER, Mr. BURTON of Indiana, Mr. RAMSTAD, Mr. ZIMMER, Mr. INHOFE, Mr. VALENTINE, Mr. GOSS, Mr. KYL, Mr. COBLE, Mr. HEFLEY, Mr. YATRON, Mr. PETRI, Mr. DICKINSON, Mr. KOLBE, Mr. HUCKABY, Mr. HUNTER, Mr. IRELAND, Mr. RHODES, Mr. DANNEMEYER, Mr. STENHOLM, Mr. HENRY, Mr. ROTH, Mr. SENSENBRENNER, Mr. HOUGHTON, Mr. ZELIFF, Mr. PACKARD, Mr. HAMMERSCHMIDT, Mr. NEAL of North Carolina, Mrs. LOWEY of New York, Mr. ARCHER, Mr. DELAY, Mr. ARMEY, Mr. BARTON of Texas, Mr. FIELDS, and Mr. COMBEST):

H. Con Res. 96. Concurrent resolution to provide a sense of the Congress that the legislative and executive branches should better control Federal overhead expenditures and that it is the policy of the United States to reduce its fiscal year 1992 overhead expenditures by 10 percent; jointly, to the Committees on Government Operations and House Administration.

By Mr. BROWN of California:

H. Res. 106. Resolution expressing the sense of the House of Representatives that the Government of Kuwait should encourage the maximum feasible use of American workers, American firms, American products in the reconstruction of Kuwait; to the Committee on Foreign Affairs.

By Mr. SHAYS (for himself, Mr. WELDON and Mr. THOMAS of Wyoming):

H. Res. 107. Resolution to urge the President to instruct the Attorney General to appoint an independent counsel to investigate the involvement of officials of the Federal Government in the savings and loan scandal; to the Committee on the Judiciary.

By Mr. WELDON (for himself, Mr. BALLENGER, Mr. BARTLETT, Mr. BENNETT, Mr. BOEHNER, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CAMPBELL of Colorado, Mr. COBLE, Mr. COMBEST, Mr. DANNEMEYER, Mr. DEFAZIO, Mr. FAWELL, Mr. GILMAN, Mr. GUNDERSON, Mr. HERGER, Mr. HORTON, Mr. HYDE, Mr. KOLTER, Mr. KOSTMAYER, Mr. KYL, Mr. LEWIS of Florida, Mr. MACHTLEY, Mrs. MORELLA, Mr. PACKARD, Mr. PAXON, Mr. RAVENEL, Mr. RITTER, Mr. ROTH, Mr. SANTORUM, Mr. SHAYS, Mr. SPENCE, Mr. UPTON, Mr. VALENTINE, Mr. WALKER, Mr. WALSH, and Mr. ZELIFF):

H. Res. 108. Resolution to amend the Rules of the House of Representatives to require the Committee on Ways and Means to include in committee reports the identity, sponsor, and revenue cost of single-taxpayer relief provisions contained in reported bills; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Mr. FORD of Michigan, Mr. CLAY, Mrs. COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIXON, Mr. DYMALLY, Mr. ESPY, Mr. FLAKE, Mr. FORD of Tennessee, Mr. HAYES of Illinois, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. MFUME, Ms. NORTON, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. RANGEL, Mr. SAVAGE, Mr. STOKES, Mr. WASHINGTON, Ms. WATERS, Mr. WHEAT, Mr. ABERCROMBIE, Mr. ANDREWS of Texas, Mr. ANDREWS of New Jersey, Mr. ANDREWS of Maine, Mr. ATKINS, Mr. AUCOIN, Mr. BACCHUS, Mr. BERMAN, Mr. BILBRAY, Mrs. BOXER, Mr. BROWN of California, Mr. BRYANT, Mr. BUSTAMANTE, Mr. CARDIN, Mr. CARPER, Mr. COLEMAN of Texas, Mr. CONDIT, Mr. COYNE, Mr. DE LUGO, Mr. DEFAZIO, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOWNEY, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. FALEOMAVAEGA, Mr. FASCELL, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. FROST, Mr. FUSTER, Mr. GEJDENSON, Mr. GIBBONS, Mr. GLICKMAN, Mr. GREEN, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HOAGLAND, Ms. HORN, Mr. JACOBS, Mr. JOHNSON of South Dakota, Mr. JONTZ, Ms. KAPTUR, Mrs. KENNELLY, Mr. KILDEE, Mr. KLECZKA, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mrs. LOWEY of New York, Mr. MARKEY, Mr. MARTINEZ, Mr. MAVROULES, Mr. MAZZOLI, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MCMILLEN of Maryland, Mr. MCNULTY, Mr. MILLER of California, Mrs. MINK, Mr. MOODY, Mrs. MORELLA, Mr. MRAZEK, Mr. MURPHY, Mr. NAGLE, Mr. NEAL of Massachusetts, Ms. OAKAR, Mr. OBERSTAR, Mr. OWENS of Utah, Mr. PALLONE, Mr. PANETTA, Mr. PEASE, Ms. PELOSI, Mr. PENNY, Mr. PETERSON of Minnesota, Mr. PETERSON of Florida, Mr. POSHARD, Mr. PRICE, Mr. RAHALL, Mr. REED, Mr. RICHARDSON, Mr. ROYBAL, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Mr. SCHEUER, Mr. SCHUMER, Mr. SERRANO, Mr. SHARP, Mr. SHAYS, Mr. SIKORSKI, Mr. SLATTERY, Ms. SLAUGHTER of New York, Mr. STARK, Mr. STUDDS, Mr. SWIFT, Mr. TALLON, Mr. TORRES, Mr. TORRICELLI, Mr. TRAFICANT, Mr. TRAX-

LER, Mr. UDALL, Mr. VENTO, Mr. VISCLOSKY, Mr. WAXMAN, Mr. WEISS, Mr. WILLIAMS, Mr. WOLPE, Mr. WYDEN, and Mr. YATES.

H.R. 2: Mr. COX of Illinois, Mr. COYNE, Mr. CARDIN, Mr. ANDREWS of Maine, Mr. SYNAR, and Mr. PEASE.

H.R. 5: Mr. GAYDOS, Mr. GRAY, Mr. REED, Mr. BUSTAMANTE, Mr. ANDERSON, Mr. BROOKS, and Mr. YATRON.

H.R. 35: Mr. RAY, Mr. PRICE, Mr. BROWN of California, Mrs. MEYERS of Kansas, Mr. COBLE, and Mr. HEFNER.

H.R. 73: Mr. WILSON, Mr. CHAPMAN, Mr. STARK, Mr. KLECZKA, Mr. DICKS, Mr. HORTON, Mr. GORDON, Mr. TOWNS, Mr. HOCHBRUECKNER, Mr. LANCASTER, Mr. HAMMERSCHMIDT, Mr. MFUME, Mr. DIXON, Mr. SLATTERY, Mrs. LLOYD, Mr. DOOLITTLE, Mr. JENKINS, Mr. MURTHA, Mr. TRAFICANT, Mr. FISH, Mrs. PATTERSON, Mr. RUSSO, Mr. JONES of Georgia, Mr. GEJDENSON, Mr. DWYER of New Jersey, Mr. KOPETSKI, Mr. NEAL of North Carolina, Mr. HEFNER, Mr. MCCLOSKEY, Mr. JOHNSTON of Florida, Mr. HUBBARD, Mr. RAVENEL, Mr. HALL of Texas, Mr. VOLKMER.

H.R. 82: Mr. FISH.

H.R. 87: Mr. CARPER, Mr. DWYER of New Jersey, Mr. FEIGHAN, Mr. JEFFERSON, Mr. HERTEL, Mr. MCNULTY, Mr. MANTON, Mr. TORRICELLI, Mr. WALSH, and Mr. WAXMAN.

H.R. 127: Mr. CUNNINGHAM, Mr. LOWERY of California, Mr. SAWYER, Mr. TORRES, Mr. MAZZOLI, Mr. BILIRAKIS, Mr. SLATTERY, Mr. STUDDS, Mr. BORSKI, Mr. HANCOCK, Mr. LEWIS of Georgia, Mr. NEAL of North Carolina, Mr. TORRICELLI, Mr. ARMEY, and Mr. RINALDO.

H.R. 134: Mr. JEFFERSON, Mr. MACHTLEY, Mr. INHOFE, Mr. PETERSON of Florida, Mr. PACKARD, Mr. SOLOMON, Mr. WISE, and Ms. HORN.

H.R. 179: Mr. KOPETSKI and Mr. BLILEY.

H.R. 193: Mr. SLAUGHTER of Virginia.

H.R. 233: Mr. TORRICELLI.

H.R. 258: Mr. LAGOMARSINO, MR. SANDERS, and Mr. GINGRICH.

H.R. 303: Mr. HUCKABY, Mr. SYNAR, Mrs. UNSOELD, Mr. SANDERS, Mr. KLECZKA, Mr. DERRICK, Mr. HERGER, Mr. KOPETSKI, and Mr. JAMES.

H.R. 317: Ms. LONG.

H.R. 325: Ms. OAKAR, Mr. HAYES of Illinois, and Mr. BONIOR.

H.R. 327: Ms. KAPTUR.

H.R. 328: Mr. TRAFICANT, and Mr. NEAL of North Carolina.

H.R. 375: Mr. PENNY.

H.R. 391: Mr. COOPER.

H.R. 414: Mr. MILLER of Washington.

H.R. 467: Mr. LEWIS of Florida, Mr. KOLBE, Mr. COSTELLO, Mr. ECKART, and Mr. MFUME.

H.R. 519: Mr. TORRICELLI and Mr. ZIMMER.

H.R. 520: Mr. SERRANO.

H.R. 524: Mr. PACKARD.

H.R. 537: Mr. WEISS and Mr. COSTELLO.

H.R. 542: Mr. BONIOR, Mrs. MEYERS of Kansas, and Mr. MARTINEZ.

H.R. 544: Mr. ACKERMAN, Mr. BACCHUS, Mr. BOUCHER, Mrs. BOXER, Mr. CLAY, Mr. CONYERS, Mr. DELLUMS, Mr. DE LUGO, Mr. DIXON, Mr. DWYER of New Jersey, Mr. ESPY, Mr. EVANS, Mr. FORD of Tennessee, Mr. FROST, Mr. FUSTER, Mr. HATCHER, Mr. HAYES of Illinois, Mr. HYDE, Ms. KAPTUR, Mr. KENNEDY, Mr. MCDERMOTT, Mr. MFUME, Mr. MOODY, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. RAHALL, Mr. RANGEL, Mr. RAVENEL, Mr. ROE, Mr. SANDERS, Mr. SERRANO, Mr. TOWNS, Mrs. UNSOELD, and Mr. WHEAT.

H.R. 553: Mr. THOMAS of California, Mr. HORTON, and Mr. UDALL.

H.R. 572: Mr. ANDREWS of New Jersey.

H.R. 583: Mr. STOKES.

H.R. 596: Mr. DOOLITTLE, Mr. GALLEGLY, and Mr. HASTERT.

H.R. 601: Mr. NEAL of North Carolina.

H.R. 642: Mr. PAYNE of Virginia and Mr. FISH.

H.R. 643: Mr. NOWAK, Mr. LIVINGSTON, Mr. THOMAS of Georgia, Mr. WISE, Mr. BEREUTER, Mr. NEAL of North Carolina, and Mr. MYERS of Indiana.

H.R. 644: Mr. KOPETSKI.

H.R. 658: Mr. WISE, Mr. PALLONE, and Mr. SHAYS.

H.R. 661: Mr. HORTON, Mr. DANNEMEYER, Mr. RAHALL, Mr. MCGRATH, Ms. NORTON, and Mr. LAFALCE.

H.R. 672: Mrs. LOWEY of New York.

H.R. 688: Mr. FISH.

H.R. 696: Mr. CHAPMAN, Mr. FEIGHAN, Mr. HERTEL, and Mr. JOHNSON of South Dakota.

H.R. 706: Mr. BRYANT, Mr. COMBEST, Mr. LAUGHLIN, Mr. STENHOLM, Mr. HALL of Texas, and Mr. ENGLISH.

H.R. 713: Mr. RAVENEL, Mr. INHOFE, Mr. VALENTINE, and Mr. GILMAN.

H.R. 730: Mr. WOLPE and Mr. HOAGLAND.

H.R. 731: Mr. RAVENEL, Mr. LAGOMARSINO, Mr. UPTON, Mr. SKEEN, Mr. PALLONE, and Mr. GILMAN.

H.R. 738: Mrs. LOWEY of New York.

H.R. 751: Mr. PENNY, Mr. RAVENEL, Mr. PRICE, Mr. MFUME, Mrs. LLOYD, Mr. DELLUMS, Mr. GUARINI, Mr. ACKERMAN, Mr. VALENTINE, Mr. COLEMAN of Missouri, Mr. MOLLOHAN, Mr. SOLOMON, Mr. ROE, Mr. FROST, Mr. DREIER of California, Mr. JONTZ, Mr. LIPINSKI, Mr. NEAL of North Carolina, Mr. HUCKABY, Mr. ECKART, Mr. UDALL, Mr. RIDGE, Mr. BOUCHER, and Mr. BALLENGER.

H.R. 766: Mr. MARKEY and Mr. MARTINEZ.

H.R. 772: Mr. HENRY, Mr. DEFAZIO, Mr. GILCHREST, Mr. HUNTER, Mr. NEAL of North Carolina, Mr. GLICKMAN, Mr. BOEHLERT, Mr. HUBBARD, Mr. LEACH of Iowa, Mr. KLUG, Mr. JONES of Georgia, Mr. JONES of North Carolina, Mr. CRANE, Mr. BILIRAKIS, Mr. LAROCCO, Mrs. LLOYD, Mr. MCCURDY, Mrs. BYRON, Mr. GRANDY, Mr. HEFLEY, and Mr. GRADISON.

H.R. 789: Mr. HAMILTON, Mr. VISCLOSKY, Mr. LEWIS of Georgia, Mr. WHEAT, Mr. BILBRAY, Mr. NEAL of North Carolina, and Mr. LAFALCE.

H.R. 793: Mr. BONIOR, Mr. COLEMAN of Missouri, Mr. COSTELLO, Mr. CUNNINGHAM, Mr. HERTEL, Mr. IRELAND, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LANCASTER, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. LEWIS of Florida, Mrs. LOWEY of New York, Mr. MCNULTY, Mr. PERKINS, Mr. SLATTERY, and Mr. THOMAS of Georgia.

H.R. 797: Mr. BRYANT and Mr. MCMILLEN of Maryland.

H.R. 811: Mr. MILLER of Washington and Mr. UPTON.

H.R. 821: Mr. ENGEL, Mr. UPTON, Mr. FROST, Mr. HERTEL, Mr. MARTINEZ, Mrs. MINK, Mr. HUGHES, Mr. KOPETSKI, and Mr. COSTELLO.

H.R. 824: Mr. BONIOR, Mr. ECKART, Mr. HAYES of Illinois, Mr. HERTEL, Mr. RAHALL, Mr. LIPINSKI, and Mr. JONTZ.

H.R. 827: Ms. ROS-LEHTINEN, Mr. CHAPMAN, Mr. STEARNS, and Mr. GAYDOS.

H.R. 828: Mr. EDWARDS of California, Mr. FISH, Mr. FRANK of Massachusetts, Mr. KOSTMAYER, Mrs. LLOYD, Mr. MCDERMOTT, Mr. NEAL of North Carolina, Mr. PAYNE of Virginia, Mr. RAVENEL, and Mr. SCHEUER.

H.R. 830: Mr. ECKART, Mr. LEHMAN of Florida, and Mr. MRAZEK.

H.R. 841: Mr. BOUCHER, Mr. ECKART, Mr. ENGEL, Mr. HAYES of Illinois, Ms. KAPTUR, Mr. KOPETSKI, Mr. LAFALCE, Mr. LENT, Mr. LIPINSKI, Mr. MARKEY, Mr. MAVROULES, Mr. MOODY, Mr. MURTHA, Mr. NEAL of Massachusetts, Ms. PELOSI, Mrs. SCHROEDER, Mr. TAYLOR of Mississippi, Mrs. UNSOELD, Mr. WALSH, Mr. WEISS, and Mr. WOLPE.

H.R. 858: Mr. JACOBS and Mr. BURTON of Indiana.

H.R. 862: Mr. PENNY and Mr. RAMSTAD.

H.R. 865: Mr. SANDERS and Mr. FISH.

H.R. 866: Mr. DEFAZIO.

H.R. 867: Mr. STARK.

H.R. 888: Mr. JACOBS, Mr. FOGLIETTA, and Mr. KOPETSKI.

H.R. 905: Mr. CARR and Mr. DERRICK.

H.R. 908: Mr. MFUME, Mrs. PATTERSON, Mr. GILMAN, Mr. KOPETSKI, and Mr. KENNEDY.

H.R. 915: Mr. LIPINSKI.

H.R. 916: Mr. BUSTAMANTE and Mrs. LLOYD.

H.R. 919: Mr. JEFFERSON and Mr. TAUZIN.

H.R. 951: Mr. ANTHONY, Mr. JEFFERSON, Mr. STEARNS, Mr. HUBBARD, and Mr. RAVENEL.

H.R. 960: Mr. SMITH of Texas, Mr. HASTERT, and Mr. CRANE.

H.R. 999: Mrs. LLOYD.

H.R. 1004: Mr. LIPINSKI.

H.R. 1007: Mr. COYNE, Mrs. JOHNSON of Connecticut, Mr. MURPHY, Mr. BEREUTER, Mr. KOSTMAYER, Mr. SMITH of Florida, Mr. TOWNS, Mr. RAVENEL, Mrs. UNSOELD, Mr. ZELIFF, Ms. PELOSI, Mr. MAVROULES, Mr. SANDERS, Mr. EVANS, Mr. FAZIO, Mr. DWYER of New Jersey, Mr. SCHEUER, Ms. KAPTUR, Mr. GORDON, and Mr. MFUME.

H.R. 1013: Mr. COSTELLO, Mr. NEAL of North Carolina, Mr. ALLARD, Mr. LIPINSKI, and Mr. STUMP.

H.R. 1016: Mr. NEAL of North Carolina, Mr. JAMES, and Mr. SHAW.

H.R. 1025: Mr. HYDE, Mr. PACKARD, Mr. GOSS, and Mr. LANCASTER.

H.R. 1052: Mr. HUBBARD, Mr. LENT, Mr. DERRICK, Mrs. VUCANOVICH, and Mr. JEFFERSON.

H.R. 1059: Mrs. BOXER, Mr. ROYBAL, Mr. KENNEDY, Mr. ANDERSON, Mr. BOUCHER, Mr. DELLUMS, Mr. MARKEY, Mr. MFUME, and Ms. KAPTUR.

H.R. 1063: Mr. LEHMAN of Florida, Mr. OLIN, Mr. OBERSTAR, Mr. SERRANO, and Ms. KAPTUR.

H.R. 1067: Mr. TORRICELLI, Mr. JEFFERSON, Mr. NEAL of North Carolina, Mr. LENT, Mr. SLAUGHTER of Virginia, Mr. SANDERS, Mr. COUGHLIN, Mr. WHITTEN, Mr. ZELIFF, Mr. ESPY, Mr. KOPETSKI, Mr. ROE, Mr. MAVROULES, Mr. PAYNE of New Jersey, Mr. PETERSON of Minnesota, Mrs. VUCANOVICH, Mr. DWYER of New Jersey, Ms. KAPTUR, Mr. JONTZ, Mr. BOUCHER, Mr. ECKART, Mr. GEJDENSON, Mr. DAVIS, Mr. HUBBARD, Mr. GALLO, Mr. MARTIN of New York, Mr. SERRANO, and Mr. KOLTER.

H.R. 1074: Mr. LIPINSKI, Mr. EVANS, Mr. DANNEMEYER, Mr. ECKART, Mr. LANCASTER, Mr. JEFFERSON, and Mr. REED.

H.R. 1088: Mr. PERKINS, Mr. SANDERS, Mr. BOEHLERT, and Mr. KOPETSKI.

H.R. 1093: Mr. KOLBE, Mr. HENRY, Mr. RAVENEL, Mr. LAGOMARSINO, Mr. HORTON, Mr. JACOBS, Mr. GALLO, and Mr. WOLPE.

H.R. 1107: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS of Texas, Mr. ANNUNZIO, Mr. BACCHUS, Mr. BONIOR, Mr. BREWSTER, Mr. BROOKS, Mr. BUSTAMANTE, Mr. CHAPMAN, Mr. COLEMAN of Texas, Mr. COX of Illinois, Mr. CRAMER, Mr. CUNNINGHAM, Ms. DELAURO, Mr. DE LUGO, Mr. DICKS, Mr. FALEOMAVAEGA, Mr. FAZIO, Mr. FLAKE, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. GEPHARDT, Mr. GORDON, Mr. GRAY, Mr. GUARINI, Mr. HAMILTON, Mr. HARRIS, Mr. HOAGLAND, Mr. HOBSON, Mr. HOCHBRUECKNER, Ms. HORN, Mr. HORTON, Mr. HUBBARD, Mr. JEFFERSON, Mr. JOHNSON of South Dakota, Mr. JONTZ, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY, Mr. KLECZKA, Mr. KOLTER, Mr. KOPETSKI, Mr. KOSTMAYER, Mr. LAUGHLIN, Mr. LIPINSKI, Ms. LONG, Mr. LUKEN, Mr. MCCURDY, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MARKEY, Mr. MAZZOLI, Mr.

MFUME, Mr. MILLER of California, Mr. MINETA, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOODY, Mr. MORAN, Mr. MORRISON of Washington, Mr. MURPHY, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Ms. OAKAR, Mr. OBEY, Mr. PARKER, Mrs. PATTERSON, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. PETERSON of Florida, Mr. RAHALL, Mr. RAMSTAD, Mr. REED, Mr. RIGGS, Mr. ROEMER, Mr. ROWLAND, Mr. SANGMEISTER, Mr. SCHUMER, Mr. SLATTERY, Ms. SLAUGHTER of New York, Mr. STALLINGS, Mr. STENHOLM, Mr. SWETT, Mr. SWIFT, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. THORNTON, Mr. TORRES, Mr. UDALL, Mrs. UNSOELD, Mr. VENTO, Mr. WAXMAN, Ms. WATERS, Mr. WILLIAMS, Mr. WYDEN, Mr. DORNAN of California, and Mr. AUCOIN.

H.R. 1135: Mr. MCMILLEN of Maryland, Mr. HUGHES, Mr. SABO, Mr. PRICE, Mrs. LLOYD, Mr. DELLUMS, and Mr. KOSTMAYER.

H.R. 1149: Mr. BLAZ and Mr. MCGRATH.

H.R. 1156: Mr. ARMEY and Mr. LIPINSKI.

H.R. 1163: Mr. KLECZKA, Mr. LIPINSKI, Mr. MCNULTY, and Mr. FROST.

H.R. 1164: Mr. KLECZKA, Mr. LIPINSKI, Mr. MCNULTY, Mr. LOWERY of California, and Mr. FROST.

H.R. 1171: Mr. CAMP.

H.R. 1184: Mr. OLIN and Mr. TAYLOR of North Carolina.

H.R. 1190: Mr. PALLONE, Mr. ANDREWS of New Jersey, and Mr. PERKINS.

H.R. 1197: Mr. BOUCHER, Mr. GEJDENSON, Mr. LEVIN of Michigan, Mr. MARKEY, and Mr. YATRON.

H.R. 1218: Mr. HERTEL, Mr. BRYANT, Mrs. PATTERSON, Mr. BEILENSON, Mr. WYDEN, Mrs. UNSOELD, Mr. TRAFICANT, Mr. WHEAT, Mrs. BOXER, Mr. OBERSTAR, Mr. HAMILTON, Mr. GLICKMAN, Mr. ABERCROMBIE, Mr. MCDERMOTT, Mr. MINETA, Mr. SABO, Mr. MRAZEK, Mr. SERRANO, Mr. TORRICELLI, Mr. SMITH of Florida, and Mr. MARTINEZ.

H.R. 1240: Mr. EVANS, Mr. TORRICELLI, Ms. KAPTUR, and Mr. DELLUMS.

H.R. 1250: Mr. KLECZKA.

H.R. 1263: Mr. LEVIN of Michigan, Mr. EVANS, Mr. GILMAN, Mr. MFUME, Mrs. LOWEY of New York, Mr. SERRANO, and Mr. BROWN of California.

H.R. 1264: Mr. LEVIN of Michigan, Mr. EVANS, Mr. GILMAN, Mr. MFUME, Mrs. LOWEY of New York, Mr. SERRANO, and Mr. BROWN of California.

H.R. 1285: Mr. STARK, Mr. MCCLOSKEY, Mr. HENRY, Mr. PENNY, Mr. HORTON, Mr. GAYDOS, and Mr. RAHALL.

H.R. 1292: Mr. THOMAS of Wyoming.

H.R. 1296: Mr. MONTGOMERY, Mr. MCCURDY, Mr. DICKINSON, Mrs. BYRON, Mr. STENHOLM, Mr. ORTIZ, Mr. HARRIS, Mr. PAYNE of Virginia, Mr. TAYLOR of Mississippi, Mr. ROWLAND, Mr. KILDEE, Mr. MCCOLLUM, Mr. BLAZ, Mr. COBLE, Mr. BREWSTER, Mr. OLIN, Mr. REED, Mr. HENRY, Mr. MCHUGH, Mr. LIVINGSTON, Mr. HOBSON, Mr. APPLEGATE, Mr. DIXON, Mr. COUGHLIN, Mr. HALL of Ohio, Mr. FAZIO, Mr. CHAPMAN, Mr. EVANS, Mr. LUKEN, Mr. MACHTLEY, Mr. DELAY, Mr. JONES of Georgia, Mr. GEREN, Mr. WAXMAN, Mr. TANNER, Mr. LAUGHLIN, Mr. ROGERS, Mr. BUNNING, Mr. STUMP, Mr. VALENTINE, Mr. STAGGERS, Mr. PICKETT, Mr. MFUME, Mr. EMERSON, Mr. BACCHUS, Mr. COSTELLO, Mr. HORTON, Mr. LENT, Mr. DAVIS, Mr. SCHUMER, Mr. SHAW, Mr. IRELAND, Mr. CALLAHAN, Mr. SUNDQUIST, Mr. LAGOMARSINO, Mr. ENGLISH, Mr. HALL of Texas, Mr. WALSH, Mrs. PATTERSON, Mrs. BENTLEY, Mr. CONDIT, Mr. COOPER, Mr. BEREUTER, Mr. HOPKINS, Mr. HUCKABY, Mr. PETRI, Mr. LAFALCE, Mr. MORRISON of Washington, Mr. ROE, Mr. SAXTON, Mr. ARMEY, Mr. MCNULTY, Mr. TAUZIN, Mr. BROWDER, Mr. DOOLITTLE, and Mr. LEWIS of Florida.

H.R. 1302: Mr. FORD of Michigan, Mr. VISCLOSKY, and Mr. HAYES of Illinois.

H.J. Res. 56: Mr. MCDERMOTT, Mr. WOLF, Mr. TALLON, Mr. CLEMENT, Mr. ROBERTS, Mr. MOORHEAD, Mr. ROE, Mr. SANDERS, Mr. MILLER of California, Mr. ACKERMAN, Ms. KAPTUR, Mr. MARTINEZ, Mr. LEVIN of Michigan, Mr. JEFFERSON, Mr. GUARINI, Mr. FORD of Tennessee, Mrs. BOXER, Mr. VENTO, Mr. MCHUGH, Mr. BILBRAY, Mrs. BENTLEY, Mr. WYDEN, Mr. HORTON, Mr. TOWNS, Mr. WALSH, Mr. MCNULTY, Mr. BUSTAMANTE, Mr. ERDREICH, Mr. MATSUI, Mr. MCGRATH, Mr. MURPHY, Mr. MFUME, Mrs. MINK, Mr. NATCHER, Mr. LAGOMARSINO, Mr. BOEHLERT, Mr. HERTEL, Mr. MCDADE, Mr. SPRATT, Mr. MANTON, Mr. BILIRAKIS, Mr. MCCOLLUM, Mr. GORDON, Mr. RAMSTAD, Ms. PELOSI, Mr. HUGHES, Mr. MAZZOLI, Mr. DWYER of New Jersey, Mr. CARR, Mr. LANTOS, Mr. LEHMAN of Forida, Ms. NORTON, Mr. PALLONE, Mr. KENNEDY, Mr. COYNE, Mr. STARK, Mr. HAMMERSCHMIDT, Mr. RAVENEL, Mr. DARDEN, Mr. GREEN, Mr. SMITH of Florida, Mr. RHODES, Mr. FROST, Mr. LUKEN, Mr. KLECZKA, Mr. SPENCE, Mr. ROEMER, and Mr. PICKLE.

H.J. Res. 58: Mr. FOGLIETTA, Mr. GAYDOS, Mr. SCHIFF, Mr. GALLO, Mr. ANDREWS of Maine, Mr. VANDER JAGT, Mr. HOCHBRUECKNER, Mr. LEHMAN of Florida, Mr. SAWYER, Mr. HEFNER, Mr. MURPHY, Mr. HAMILTON, Mr. ATKINS, Mr. CARDIN, Mr. PRICE, Mr. PURSELL, Mr. SAVAGE, Mr. TAUZIN, and Mr. HOYER.

H.J. Res. 87: Mr. COBLE, Mr. SOLARZ, Mr. SANGMEISTER, Mr. BLAZ, Mr. HERGER, Mr. SCHIFF, Mr. BROWDER, Mr. DICKINSON, Mr. SAWYER, Mr. LEWIS of California, Mr. HARRIS, Mr. SPRATT, Mr. KOPETSKI, Mr. RINALDO, Mr. ROWLAND, Mr. SKEEN, Mr. BEVILL, Mr. KILDEE, Mr. RAMSTAD, Mr. MOAKLEY, Mr. BONIOR, Mr. HEFNER, Mr. JOHNSON of South Dakota, Mr. EVANS, Mr. FISH, Mr. WHEAT, Mr. ENGEL, Mr. ANDREWS of Maine, Mr. ASPIN, Mr. SHAYS, Mr. MAVROULES, Mr. CALLAHAN, Mr. JONES of North Carolina, Mr. WALSH, Mr. FASCELL, Mrs. KENNELLY, Mr. HANCOCK, Mr. YOUNG of Alaska, Mr. NEAL of North Carolina, Mr. MCCRERY, Mr. DEFAZIO, Mr. SHUSTER, and Mrs. BOXER.

H.J. Res. 88: Mr. HANCOCK, Mr. HUTTO, Mr. MCNULTY, and Mr. PENNY.

H.J. Res. 91: Mr. OWENS, of New York, Mr. MCDERMOTT, Mr. ROE, Mr. WASHINGTON, Ms. KAPTUR, Mr. FRANK of Massachusetts, Mr. MINETA, and Mr. HYDE.

H.J. Res. 92: Ms. KAPTUR, Mr. SABO, Mr. PERKINS, and Ms. LONG.

H.J. Res. 95: Mr. ERDREICH, Mr. MCGRATH, Mr. MCNULTY, and Mr. SMITH of Florida.

H.J. Res. 109: Mr. BATEMAN, Mr. BOEHLERT, Mrs. BYRON, Mr. DOWNEY, Mr. GILCHREST, Mr. GILMAN, Mr. GEJDENSON, Mr. HATCHER, Mr. HAYES of Illinois, Mr. HERTEL, Mr. HUBBARD, Mr. INHOFE, Mrs. JOHNSON of Connecticut, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. MCNULTY, Mr. MACHTLEY, Mr. MATSUI, Ms. OAKAR, Mr. PAXON, Mr. PRICE, Ms. SNOWE, Mr. SOLOMON, Mr. SPENCE, Mr. SPRATT, Mr. STALLINGS, Mr. TALLON, Mr. TAUZIN, Mr. VENTO, Mr. WALSH, Mr. WEISS, Mr. YATRON, and Mr. ZIMMER.

H.J. Res. 123: Mr. WEISS, Mr. SPRATT, Mr. FROST, Mr. BATEMAN, Mr. COSTELLO, Mr. JEFFERSON, Mr. JONTZ, and Mr. KOPETSKI.

H.J. Res. 128: Mr. LANCASTER, Mr. SKEEN, Mrs. BYRON, and Mr. BEREUTER.

H.J. Res. 130: Ms. DELAURO, Mr. DE LUGO, Mr. MAZZOLI, Mr. DIXON, Mr. MCMILLEN of Maryland, Mr. LEWIS of California, Mr. ROYBAL, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. COSTELLO, Mr. ANNUNZIO, Mr. HAMMERSCHMIDT, Mr. HUBBARD, Mr. COYNE, Mr. MICHEL, Mr. BENNETT, Mr. FALEOMAVAEGA, Mr. HARRIS, Ms. NORTON, Mr. HAYES of Illinois, Mr. FASCELL, Mr. BLAZ, Mr. EMERSON, Mr. YOUNG of Florida, Mr. RICHARDSON, Mr. RAHALL, Mr. TAUZIN, Mr. NEAL of Massachusetts, and Mrs. VUCANOVICH.

H.J. Res. 141: Mr. MCDERMOTT, Mrs. JOHNSON of Connecticut, Mr. HARRIS, Mr. POSHARD, Mr. LIPINSKI, Mr. SPRATT, Mr. MACHTLEY, Mr. HERTEL, Mr. FRANK of Massachusetts, Mr. CALLAHAN, Mr. COSTELLO, Mr. CLEMENT, Mr. JONTZ, Mr. ERDREICH, Mrs. BOXER, Mr. HAYES of Illinois, Mr. LAFALCE, Mr. MCGRATH, Mr. HALL of Ohio, Mr. GORDON, Mr. HOCHBRUECKNER, Mr. MCNULTY, Mr. SCHUMER, Ms. KAPTUR, Mr. DARDEN, Mr. BILBRAY, Mr. DEFAZIO, Mr. OWENS of Utah, Mrs. MORELLA, Mr. STUDDS, Mr. ROYBAL, Mr. STAGGERS, Mr. WISE, Mr. LENT, Mr. DUNCAN, Mr. SCHEUER, Mr. MANTON, Mrs. UNSOELD, Mr. ENGEL, Mr. TOWNS, Mr. WALSH, and Mr. LANTOS.

H. Con. Res. 16: Mr. GEPHARDT, Mr. LEACH of Iowa, Mr. WAXMAN, Mr. KOSTMAYER, Mrs. LOWEY of New York, Mr. DWYER of New Jersey, Mr. KOPETSKI, Mr. ECKART, Mr. STOKES, Mr. SANDERS, Mr. COX of Illinois, Ms. SLAUGHTER of New York, and Mr. LEWIS of Georgia.

H. Con. Res. 50: Mr. JONTZ and Mr. LANCASTER.

H. Con. Res. 52: Mr. PERKINS, Mr. RAVENEL, Ms. MOLINARI, Mr. KOPETSKI, Mr. BEILENSON, Mrs. LLOYD, Mr. ABERCROMBIE, Mr. ANDREWS of Maine, Mr. HARRIS, Mr. HORTON, Mr. LEWIS of Florida, Mr. DELLUMS, Mr. LANCASTER, Ms. KAPTUR, and Mr. MFUME.

H. Con. Res. 57: Mr. HANCOCK, Mr. RAMSTAD, Mr. RITTER, and Mr. BROOMFIELD.

H. Con. Res. 66: Mr. STOKES and Mr. HOAGLAND.

H. Con. Res. 67: Mr. JONTZ.

H. Con. Res. 70: Mr. FALEOMAVAEGA, Mr. CAMP, and Mr. WASHINGTON.

H. Con. Res. 85: Mrs. VUCANOVICH, Mr. BURTON of Indiana, and Mr. APPLEGATE.

H. Res. 42: Mr. RITTER, Mr. NEAL of North Carolina, Mr. STEARNS, Mr. UPTON, Mr. TAYLOR of Mississippi, and Mr. LANCASTER.

H. Res. 99: Ms. LONG, Mr. CLINGER, Mr. SPENCE, Mr. ESPY, Mr. BUNNING, Mr. SMITH of Florida, Mr. HORTON, Mr. GOSS, and Mr. HEFLEY.

EXTENSIONS OF REMARKS

THE GODFATHER OF BAGHDAD

HON. PHILIP M. CRANE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. CRANE. Mr. Speaker, it would be difficult to envision a greater success story than that which we have witnessed on our television sets over the past several weeks. The outcome of the Persian Gulf war was nothing short of spectacular, and our service members deserve every ounce of gratitude and respect Americans will no doubt heap upon them when they return home.

As the conflict winds down and the celebrations begin, we must not forget that the man who was responsible for the devastation has yet to be held accountable for his actions. However, given the unspeakable horrors which Saddam Hussein has inflicted upon his own people, justice will no doubt be best served by leaving his punishment in the hands of those who suffered most egregiously.

While Americans have only recently been exposed to Saddam's cruelty, his countrymen have been long-time observers of his monstrous behavior. I have recently come across an excellent article, in the form of a book review, which chronicles a number of repugnant activities which Saddam Hussein has spearheaded throughout his career in the Ba'ath Party. After reading the following account, I am sure my colleagues will be confident, as I am, that the Iraqi citizenry will not rest until Saddam Hussein is brought to justice:

THE GODFATHER OF BAGHDAD

(By William Doino, Jr.)

("Saddam Hussein and the Crisis in the Gulf," By Judith Miller and Laurie Mylroie)

("Republic of Fear: The Inside Story of Saddam's Iraq," By Samir al-Khalil)

As the crisis in the Persian Gulf mounts, and a war between America and Iraq becomes more likely. Americans should be interested in knowing more about the man who may yet trigger a conflagration in the Mideast.

Two books have just been published which document Saddam Hussein's grisly rise to power and examine his psychotic personality and future plans.

The books are *Saddam Hussein and the Crisis in the Gulf* by Judith Miller, a *New York Times* reporter, and Laurie Mylroie, a Middle East scholar at Harvard: and *Republic of Fear: The Inside Story of Saddam's Iraq* by Samir al-Khalil, an expatriate Iraqi scholar.

PROFOUNDLY RACIST

As both books make clear, in order to understand the present crisis in the gulf, one must know about Iraq's ruling Arab Baath Socialist Party, and how Saddam Hussein came to control it. Formed in the 1940s as a response to Arab despair over the emergence of Israel, the Baath (or Renaissance) Party is a militant political movement dedicated to the creation of a single, united Arab nation. This goal—known as "pan-Arabism"—is essentially utopian in that it naively believes that the separate Arab states can erase their borders, ignore their profound cultural distinctions, and smoothly merge into a single Arab nation. Pan-Arabism has existed since the turn of the century, and there are many versions of it.

What makes Baathist Pan-Arabism unique is that it is profoundly racist (despising foreigners, especially Jews), socialist (deriving its economic outlook from Marx and Lenin), totalitarian (following methods laid down by Stalin), and willing to use violence to achieve its ends. Michel Aflaq (1910–1989), a French-educated Syrian who was the principal founder and ideologue of the Baath Party, was "full of enthusiasm for Hitler and other German fascists," according to Miller and Mylroie. "Aflaq saw in Nazi Germany a model for his ideas of a synthesis between nationalism and socialism."

As a young man, Saddam Hussein became attracted to Aflaq's fascist vision of pan-Arabism, and joined the Baath Party in 1957. He immediately established himself by committing his first important political act: the assassination of a prominent Baathist opponent. That the victim happened to be his own brother-in-law did not faze Saddam one bit. The party leadership subsequently rewarded Hussein by selecting him to be a member of a hit team that intended to assassinate General Abdel Karim Quassim, Iraq's leader at the time. (Quassim, a popular army officer, had overthrown Iraq's pro-British monarch, King Faisal II, in 1958; but Quassim's regime was equally opposed to Baathism, seeing it as a new form of tyranny.)

Though the assassination attempt failed. Hussein—who immediately fled Iraq after the aborted scheme—became a hero among Baathists for his "bravery and sacrifice" in support of their cause.

NEW EMPLOYMENT

In exile first in Syria and then in Egypt, Hussein quickly climbed the ranks of the Baath Party. In early 1963, after a group of Baathists had succeeded in ousting and killing General Quassim, Hussein hurried back to Baghdad (Iraq's capital) to assume his part in the new regime. He immediately found work, though not of the ordinary kind. As Miller and Mylroie reveal:

"Saddam quickly found his place in the new regime. He became an interrogator and torturer in the Qasr-al-Nihayyah, or 'Palace of the End,' so called because it was where King Faisal and his family were gunned down in 1958. Under the Baath the palace was used as a torture chamber.

"Few in the West are aware of Saddam's activities there. But an Iraqi arrested and accused of plotting against the Baath has told of his own torture at the palace by Saddam himself: 'My arms and legs were bound by rope. I was hung on the rope to a hook on the ceiling and I was repeatedly beaten with rubber hoses filled with stones.' He managed to survive his ordeal; others were not so lucky. When the Baath, riven by internal splits, was ousted nine months later in November, 1963 by the army, a grisly discovery was made. 'In the cellars of al-Nihayyah Palace,' according to Hanna Batatu, whose account is based on official government sources, 'were found all sorts of loathsome instruments of torture, including electric wires with pincers, pointed iron stakes on which prisoners were made to sit, and a machine which still bore traces of chopped-off fingers. Small heaps of bloodied clothing were scattered about, and there were pools on the floor and stains over the walls."

After the Baath lost power in November, 1963, Hussein had to (temporarily) end his job as state torturer, and was forced underground. Revealing himself to be a genius for subversion. Saddam became the party's principal organizer; he forged the Baath into a powerful, clandestine apparatus capable of staging a military coup and holding power thereafter.

Throughout the 1960s, Baathist rebels created great instability inside Iraq and attempted to seize power numerous times. They finally succeeded—for good—on July 17th, 1968. A Baathist general, Ahmad Hasan al-Bakr, became head of state; Saddam Hussein was appointed his deputy; and Adnan Khairallah, Hussein's brother-in-law, became minister of defense.

ENEMIES OF THE STATE

Immediately after assuming power, the Baathist regime outlawed opposition to their rule, thus destroying whatever remained of political pluralism inside Iraq. To consolidate their regime—and terrify the population into submission—the Baath Party proceeded to round up supposed "enemies of the state" whose punishment served as a warning to the regime's critics.

The first people to be purged were Jews, a favorite target of totalitarian regimes. In the fall of 1968, dozens of Iraqi Jews were suddenly arrested, accused of being "Zionist spies," subjected to humiliating show trials, and finally hanged. The executions were carried out in public, with great fanfare. The Baathist regime gathered 500,000 Iraqis to witness the proceedings. As the Jewish corpses dangled in the wind, from their respective nooses, the crowd listened to fiery anti-Jewish speeches for an incredible 24 hours.

Among the speakers was Salah Umar al-Ali, the minister of guidance, who told the chanting, hysterical crowd:

"Great People of Iraq! The Iraq of today shall no more tolerate any traitor, spy, agent, or fifth columnist! You foundling Israel, you imperialist Americans, and you Zionists, hear me! We will discover all your dirty tricks! We will punish your agents! We will punish your agents! We will hang all your spies, even if there are thousands of them! . . . Great Iraqi people! This is only the beginning! The great and immortal squares of Iraq shall be filled with the corpses of traitors and spies! Just wait!" (Quoted by al-Khalil in *Republic of Fear*.)

Al-Ali was right: this was only the beginning of the Baathist reign of terror. Conspiracy and spy trials became the rage over the next few years. And as they did, the ranks of the persecuted reached all segments of Iraqi society. As al-Khalil notes, "The victims now were Muslim or Christian Iraqis with

the occasional Jew thrown in for good measure."

As deputy to President al-Bakr, Saddam Hussein played a major role in the Baath Party's gruesome reign during the 1960s and 1970s. But being second-in-command did not satisfy Hussein: He wanted to be the sole leader of Iraq. That way he would be free to eliminate his own "enemies of the state" without consulting any superior. And that meant purging al-Bakr.

By 1979, Hussein had gathered enough support within the Baathist army to stage a dramatic coup. It was carried out with flawless efficiency. As al-Khalil describes it:

"Hussein purged President Ahmad Hasan al-Bakr sometime in June, and took over the presidency. For a month he held hostage the families of one-third of the members of the Revolutionary Command Council (the Baathist Party leadership) while those officials continued to sign papers and make appearances. In the meantime, he purged hundreds of their cronies, and finally executed the lot, including some of the families, following a dramatic extraordinary session of the Arab Baath Socialist Party leadership on July 20th.

"Reports put the number of executions of high-ranking Baathists at around 500 by August 1st, 1979. However, the full scale of killings and lesser degrees of terror at all levels of the party must be considered still unknown today."

Hussein found these purges so exhilarating that he decided to record them on camera. Videocassettes, distributed throughout the Arab world, show Hussein reading off the names of the supposed traitors, slowly and theatrically pausing occasionally to light his cigar. Everyone in the audience sweats, as the condemned are led away one by one.

Once he had introduced Iraq's governing institution to rubber stamps. Hussein filled key posts with longtime associates and family members. Today he rules Iraq through this small clique.

THE GODFATHER

Among the few to survive Hussein's purges was Adnan Khairallah, the Iraqi minister of defense and brother-in-law of Saddam. Yet when Khairallah sided against Hussein after a family despute involving Hussein's mistress, Khairallah met a sudden and mysterious death. This was the second time that Hussein had murdered a brother-in-law of his. Like Michael Corleone in the Godfather (which, suitably, is Saddam's favorite movie). Hussein believes that even relatives cannot be spared should they cross the Godfather's path.

Hussein's adulterous liaisons (which have become public knowledge even in Iraq) reveal his essentially pagan personality and put a lie to the notion that he is a devout Muslim, beloved by the Islamic world. In fact, Hussein is a secular humanist who uses the language and rituals of Islam only to manipulate the masses for his worldly purposes. Saddam is vigilant about enforcing the people's loyalty to him; not to God.

Under Hussein, Iraq has become the most secular Arab state in the world. Islamic laws which are strictly obeyed in other Arab countries are openly flouted in Iraq. (For example, Hussein has legalized gambling—a grave sin, according to Islam.)

Genuine Muslims who have protested this secularization have been swiftly arrested and jailed. They have not been see again.

AN ASSAULT ON THE FAMILY

Nowhere is Hussein's secularism more apparent than in his attempt to subordinate the traditional family structure to Baathist fascism. Under strict orders from Hussein, every Iraqi schoolchild is indoctrinated in the principles of Baathism. They are instructed to serve as spies for their own country and to report on anyone who shows signs of "backwardness" (that is, anyone who criticizes the Baath Party—including their own parents.

This totalitarian policy has naturally provoked resistance among Iraqi parents: the resistance is particularly strong among Iraq's Christian Assyrians and Islamic Kurds. Two minority groups with fierce traditional beliefs. Hussein has punished these rebellious minorities by burning the villages of the Assyrian Christians forcing them into exile, and by conducting virtual genocide against the Kurds.

One of Saddam's favorite punishments for anti-Baathist parents is to torture and mutilate their children. Miller and Mylroie quote the testimony of an Iraqi woman who told Amnesty International how she discovered her son:

"I looked around and saw nine bodies stretched out on the floor with him. . . but my son was in a chair form. . . that is sitting form, not sleeping or stretched. He had blood all over him and his body was very eaten away and bleeding. I looked at the others stretched out on the floor alongside him . . . all burnt . . . I don't know with what . . . another's body carried the marks of a hot domestic iron all over his head to his feet.

"At the mortuary the bodies were on the floor . . . one of them had his chest cut lengthwise into three sections . . . from the neck to the bottom of the chest was slit with what must have been a knife and the flesh looked white and roasted as if cooked. . . . another had his legs axed with an ax . . . his arms were also axed. One of them had his eyes gouged out and his nose and ears cut off.. . . One of them looked hanged . . . his neck was long . . . his tongue was hanging out and the fresh blood was oozing out of his mouth."

LOSS OF IDENTITY

Faced with such unvarnished horror, the Iraqi population has become paralyzed with fear. In such a state, the inner moral defenses of Iraqis have collapsed, and they have become unable to think or act in a rational way. As al-Khalil writes, describing Hussein's corrosive impact upon ordinary Iraqi citizens:

"Such men are feared, not loved; above all they command enormous respect in a populace to whom strength of character is invariably associated with the ability to both sustain and inflict pain. The madness inherent in the elevation of raw violence to such a status in the affairs of human beings appears as such only from the outside; from within, respect, no matter how grudgingly bestowed, eventually gives way to awe. Promoted by the organizational omnipotence of the party and the preeminence of fear in people's lives, such awe accentuates utter helplessness and worthlessness. The size of the gap between awe and worthlessness is a measure of the leader's infallibility in the eyes of his followers, a perception that follows from their loss of identity and defenselessness brought on by the dissolution of all moral norms that are not those of the Baath. The public's ability to judge what is right and wrong about its affairs, what is real as opposed to mere illusion, has broken down completely."

It is frightening to think that a man of Saddam Hussein's ferocity has at his disposal weapons of mass destruction. Yet that is the bitter truth. In a chapter entitled "The Manufacture of Death," Miller and Mylroie document Hussein's enormous arsenal, which includes chemical agents (which slowly kill people, after horribly burning and blistering them) that he has already used.

An equally revolting fact concerns Hussein's research on and development of biological weapons. Although Iraq has denied that it is trying to develop such weapons, Miller and Mylroie show that major Iraqi warfare research facilities exist. Iraqi scientists are now investigating several excruciating diseases—typhoid, cholera, and encephalitis, among others—which they hope to "weaponize." That is, they want to find the military means to deliver these diseases to targeted populations.

The most dangerous program of all, however, is Iraq's project to develop nuclear weapons. Iraqi scientists, at the urging of Hussein, are now feverishly trying to construct a nuclear bomb. How soon they will have one is a matter of debate—some say months, others years. But one thing is certain: If and when Hussein acquires nuclear weapons, he will likely use them. As President Bush has said: "Saddam Hussein has never had a weapon that he did not use."

THE KINGS OF BABYLON

Like Hitler, Hussein is a truly deluded man who has messianic visions of grandeur. He believes it is his destiny to control the lucrative, vital resources of the Middle East, and have the world grovel at his feet. To this end, he has compared himself to the legendary Kings of Babylon, and promised to reproduce their conquests. As Miller and Mylroie comment:

"Saddam's campaign to enroll the past in the service of future glory is obsessive. He has embarked on a giant project to reconstruct a version of ancient Babylon. Millions of bricks have been baked, many of them inscribed: 'The Babylon of Nebuchadnezzar was reconstructed in the era of Saddam Hussein.' Saddam is widely portrayed as a latter-day Nebuchadnezzar, the sixth century B.C. Babylonian ruler, whose memory the Old Testament has preserved as the conquerer of Jerusalem, the leader who carried the Hebrews into captivity.

"During one official nighttime celebration, diplomats and invited guests were asked to cast their eyes upward into the black desert sky. There above them hung twin portraits of Saddam and Nebuchadnezzar etched against the night by laser beams. Saddam's features were rendered unusually sharp and hard in order more closely to resemble the ancient carved images of Nebuchadnezzar."

Given Saddam Hussein's psychosis, it is not surprising that he spent eight years fighting an insane war against Iran, which resulted in a stalemate and a million deaths. Nor is it surprising to find Hussein invading and terrorizing Kuwait—and believing that he can get away with it.

What *is* surprising is the large number of intelligent people, including a number of conservatives, who, looking at the available evidence, conclude that the United States and the world community need not oppose Iraq.

Before such people inherit the throne of Neville Chamberlain, and suffer the condemnation of history, they would do well to pay heed to al-Khalil's warning:

"When Saddam Hussein tells the world that if it were within his power he would start World War III before ever relinquishing office voluntarily . . . he means exactly that. With people like this, distinguishing between a genuine intention and a propa-

gandistic flourish is inherently difficult. On the whole, however, they tend to believe their own utterances, and however monstrous a proposition might seem from the standpoint of our normality, it is essential never to indulge in the ostrich-like tendency to shy away from its insanity."

DISASTER RELIEF EMPLOYMENT ASSISTANCE ACT OF 1991

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. WILLIAMS. Mr. Speaker, I rise today to reintroduce the Disaster Relief Assistance Act of 1991. I introduced this legislation in the 101st Congress and was joined by 43 cosponsors. This bill was incorporated into the Job Training Partnership Act Amendments of 1990 which passed the House by a vote of 416 to 1.

In reviewing this legislation, the Education and Labor Committee found that under the Secretary of Labor's discretionary authority in title III, section 302(a)(2) of this act, Secretary Dole spent approximately 40 percent of those funds or $23 million under current authority of sections 323(b) and 324 on disasters—$5 million went to South Carolina, $5 million to San Francisco, $3 million to Texas, $2 million to Puerto Rico, $2 million to the Virgin Islands, $800,000 to Florida, $750,000 to Alabama, $300,000 to Colorado, $300,000 to American Samoa, and $68,000 to North Carolina—$20 million of the $23 million was spent under the job creation authority under section 324(a)(4).

Public service employment was ended by the Reconciliation Act of 1981 and was reintroduced by Secretary Dole who chose to fund job creation in excess of the 10 percent minimum for all of section 324(a).

The authority for demonstration programs, including job creation, under section 324 of the Job Training Partnership Act expires at the end of fiscal year 1991. This authorization was for 3 years—fiscal year 1989–91.

Last year the House of Representatives agreed that a permanent authorization is needed to be able to respond to disasters within the framework of the Job Training Partnership Act and that the authority should be placed in title IV and not in title III, so that the Secretary will spend title III discretionary funds on plant closings.

Disaster relief under this legislation is triggered when there is a determination by the President that an emergency or major disaster has occurred under (42 U.S.C. 5122 (1) and (2)) FEMA. The trigger for this program is far more limited than the current one in section 323 which just requires an agreement between the Secretary and the Governor that an emergency exists.

INTRODUCTION OF LEGISLATION TO PREVENT FETAL ALCOHOL SYNDROME AMONG AMERICAN INDIANS

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. CAMPBELL of Colorado. Mr. Speaker, today I am introducing legislation to address a tragic problem that is growing at an alarming rate in Indian country, where alcoholism is a prevalent problem. My bill focuses attention and Federal efforts on children born afflicted with fetal alcohol syndrome, commonly referred to as FAS. FAS occurs when pregnant women abuse alcohol as the fetus is developing, causing irreversible damage.

The effects of FAS can be horrible—ranging from mild to moderate retardation, lower IQ, hyperactivity, and organ dysfunction. While this tragic disease cuts across all race and socioeconomic lines, it strikes American Indian children at a much-higher rate. The National Institute on Alcohol Abuse and Alcoholism estimates that one out of every six women of childbearing age may drink enough to threaten their unborn baby. The Indian Health Service estimates that the rate of FAS for Indians is 30 times the rate for white babies. On the Pine Ridge Reservation in South Dakota one in four children are born to mothers who drink while pregnant.

Little is known about FAS, but interest in research is spreading amongst scientists and other segments of the community to find out exactly how FAS affects a person and about the irreversible damage it causes.

As a Congressman, I am alarmed that we are not doing enough to prevent FAS and educate people about this tragedy. As an American Indian, it causes me great anguish that FAS is taking such a huge toll in Indian country. And simply as a human, I'm concerned for the welfare of all these innocent children. This is a preventable disease, and we must do all we can to educate women to the dangers of abusing alcohol while they are pregnant, and provide treatment for those who are addicted to drugs and alcohol.

Toward that goal, earlier today I was joined at a press conference by one of my distinguished colleagues from the Senate, Senator TOM DASCHLE and Rodney Grant, a young American Indian actor who appears in "Dances With Wolves," and has personally felt the harsh effects of alcoholism. We announced the kickoff of a new foundation, the National Organization for Fetal Alcohol Syndrome, of which Senator DASCHLE and I are board members, and for which Mr. Grant has agreed to be the national spokesperson.

The legislation I am introducing today authorizes several programs to allow tribes to set up community education and prevention programs, provides for alcohol and substance abuse treatment for women, authorizes programs for research programs, and establishes an interagency task force to coordinate Federal efforts to combat FAS. Finally, the bill requires the Secretary of Health and Human Services to make an annual report to Congress on efforts to combat FAS/E. Senator DASCHLE intends to introduce similar legislation in the near future, and I look forward to working with my House and Senate colleagues to pass this important legislation addressing this devastating disease.

AUTOMOBILE DEALERSHIP AWARD

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, it is my great pleasure to rise today to commend an outstanding individual and a Long Island friend and constituent of mine, Bart J. McCarville, president of McCarville Ford, Inc.

McCarville Ford, located in Centereach, NY, was recently recognized as a recipient of the Time Magazine Quality Dealer Award [TMQDA]. The TMQDA Program is sponsored by Time magazine in cooperation with the National Automobile Dealers Association [NADA]. Dealers are given this award for "exceptional performance in their dealerships combined with distinguished community service." Mr. McCarville is one of only 66 dealers nationwide to receive this distinction.

Mr. McCarville's commitment to his business and the automobile industry, as a member of the NADA, the New York State Automobile Dealers Association, and the Ford Dealer Council, is outstanding. Moreover, his community service record is unequaled. Mr. McCarville's community efforts include membership in the Smithtown Cooperative Eduction Association, the Smithtown Planning Board, and he is a past president of the Smithtown School Board. Mr. McCarville is also a member of the St. James Civic Association and the Centereach Chamber of Commerce.

Mr. Speaker, I cannot imagine a more appropriate individual to be honored with the TMQDA. It is my personal privilege to recognize Bart McCarville for his achievements and for his outstanding commitment to the entire Long Island community. I am proud to call him my friend.

H.R. 1209

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SERRANO. Mr. Speaker, on Thursday, February 28, I introduced a bill, H.R. 1209, to provide and restore certain education benefits to certain individuals serving in the Persian Gulf. We all have followed closely the developments in the gulf. As I hoped and prayed for a speedy end to the conflict, I realized that we have been depending on the men and women who make up the United States volunteer force deployed in the gulf to bring about this ending. And as all Americans here at home have depended on the troops, so the troops are depending upon us to facilitate their return.

This bill would ensure that our military personnel will not have to face difficulties in se-

curing veterans educational assistance, or interrupt their education needlessly. Any individual who discontinued a course of study or failed to receive credit or training time toward completion of an educational professional or vocational objective, as a result of involvement in the Persian Gulf war, would remain entitled to receive any educational assistance expended on the uncompleted course. Our veterans would not be made to give up the educational assistance to which they are, by law, entitled, as a result of having been ordered to serve on active duty, to a new duty location or assignment, or to perform an increased amount of work.

In addition, H.R. 1209 would provide that veterans will not lose their valuable education time spent on active duty in connection with the gulf war. That is to say, any period of service on active duty would not be considered a part of the 10-year period during which veterans are eligible for educational assistance. Neither would it be considered a separation from the selected Reserve. So our returning military personnel will be able to pick up where they left off; they will not lose eligibility for benefits as a result of their time spent on active duty.

Finally, this legislation states that any member of the Armed Forces called or ordered to active duty in connection with the gulf war shall be eligible to defer repayment of any loan made under the Higher Education Act of 1965. During the time spent on active duty, military personnel will not have to make loan payments. This period of deferment would not be counted against the grace period preceding the start of repayment. So members of the Armed Forces with outstanding student loans would be able to resume a loan repayment schedule at the end of the conflict.

Many men and women from my south Bronx district and throughout the Nation enlist in the Armed Forces to enhance their opportunities for education. Hundreds of thousands of these citizens have lived up to their part of the bargain by serving in the gulf war. Now we must ensure that the U. S. Government fulfills its obligation to them.

As operations in the Persian Gulf come to an end, it is important that we acknowledge our debt to the men and women who have volunteered and served the United States so effectively. Let us help them to return to their homes, families, and educational pursuits as easily as possible. The text of the bill follows:

H.R. 1209

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

SECTION 1. RESTORATION OF VETERANS EDUCATIONAL ASSISTANCE.

(a) CHAPTER 30 PROGRAM.—Section 1413 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in paragraph (2) of this subsection shall not—

"(A) be charged against the entitlement of any individual under this chapter; or

"(B) be counted toward the aggregate period for which section 1795 of this title limits an individual's receipt of assistance.

"(2) The payment of the educational assistance allowance referred to in paragraph (1) of this subsection is the payment of such an allowance to an individual for pursuit of a course or courses under this chapter with respect to the period described in paragraph (3) of this subsection if the Secretary finds that the individual—

"(A) in the case of a member of the Selected Reserve, had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672, 673, 673b, or 675 of title 10; or

"(B) in the case of a person serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with such War, to a new duty location or assignment or to perform an increased amount of work; and

"(C) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A) or (B) of this paragraph, his or her course pursuit.

"(3) The period of course pursuit referred to in paragraph (2) of this subsection is the period beginning on the effective date of the award of an educational assistance allowance under this chapter to the individual for the period of enrollment during which the individual discontinued course pursuit as described in paragraph (2) of this subsection and ending on the date of such discontinuance; except that in no case may such period exceed the portion of the period of enrollment with respect to which the individual failed to receive credit or training time, as determined under paragraph (2)(C) of this subsection.".

(b) CHAPTER 32 PROGRAM.—(1) Section 1631(a) of such title is amended by adding at the end the following new paragraph:

"(5)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph—

"(i) shall not be charged against the entitlement of any eligible veteran under this chapter; and

"(ii) shall not be counted toward the aggregate period for which section 1795 of this title limits an individual's receipt of assistance.

"(B) The payment of an educational assistance allowance referred to in subparagraph (A) of this paragraph is any payment of a monthly benefit under this chapter to an eligible veteran for pursuit of a course or courses under this chapter during the period described in subparagraph (C) of this subsection if the Secretary finds that the eligible veteran—

"(i) in the case of a member of the Selected Reserve, had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672, 673, 673b, or 675 of title 10; or

"(ii) in the case of a person serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with such War, to a new duty location or assignment or to perform an increased amount of work; and

"(iii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) or (ii) of this subparagraph, his or her course pursuit.

"(C) The period of course pursuit referred to in subparagraph (B) of this paragraph is the period beginning on the effective date of the award of an educational assistance allowance under this chapter to the veteran for the period of enrollment during which the veteran discontinued course pursuit as described in subparagraph (B) of this paragraph and ending on the date of such discontinuance; except that in no case may such period exceed the portion of the period of enrollment with respect to which the individual failed to receive credit or training time, as determined under subparagraph (B)(iii) of this paragraph.

"(D) The amount in the fund for each eligible veteran who received a payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall be restored to the amount that would have been in the fund for the veteran if the payment had not been made. For purposes of carrying out the previous sentence, the Secretary of Defense shall deposit into the fund, on behalf of each such veteran, an amount equal to the entire amount of the payment made to the veteran.

"(E) The formula provided in paragraph (2) of this subsection shall be implemented as if—

"(i) the payment made to the fund by the Secretary of Defense under subparagraph (D) of this paragraph; and

"(ii) any payment described in subparagraph (B) of this paragraph that was paid out of the fund,

had not been made or paid.".

(2) Section 1631(a)(2) of such title is amended by inserting "in paragraph (5)(E) of this subsection and" after "Except as provided".

(c) CHAPTER 35 PROGRAM.—Section 1711(a) of such title is amended—

(1) by striking out "Each" and inserting in lieu thereof "(1) Each"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

"(i) be charged against the entitlement of any individual under this chapter; or

"(ii) be counted toward the aggregate period for which section 1795 of this title limits an individual's receipt of assistance.

"(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to an individual for pursuit of a course or courses under this chapter with respect to the period described in subparagraph (C) of this paragraph if the Secretary finds that the individual—

"(i) had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672, 673, 673b, or 675 of title 10; and

"(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) of this subparagraph, his or her course pursuit.

"(C) The period of course pursuit referred to in subparagraph (B) of this paragraph is the period beginning on the effective date of the award of an educational assistance allowance under this chapter to the individual for the period of enrollment during which the individual discontinued course pursuit as described in subparagraph (B) of this paragraph and ending on the date of such dis-

continuance; except that in no case may such period exceed the portion of the period of enrollment with respect to which the individual failed to receive credit or training time, as determined under subparagraph (B)(ii) of this paragraph.".

(d) SELECTED RESERVE PROGRAM.—Section 2131(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) Notwithstanding any other provision of this chapter or chapter 36 of title 38, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

"(i) be charged against the entitlement of any individual under this chapter; or

"(ii) be counted toward the aggregate period for which section 1795 of title 38 limits an individual's receipt of assistance.

"(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to the individual for pursuit of a course or courses under this chapter with respect to the period described in subparagraph (C) of this paragraph if the Secretary of Veterans Affairs finds that the individual—

"(i) had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672, 673, 673b, or 675 of this title; and

"(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) of this subparagraph, his or her course pursuit.

"(C) The period of course pursuit referred to in subparagraph (B) of this paragraph is the period beginning on the effective date of the award of an educational assistance allowance under this chapter to the individual for the period of enrollment during which the individual discontinued course pursuit as described in subparagraph (B) of this paragraph and ending on the date of such discontinuance; except that in no case may such period exceed the portion of the period of enrollment with respect to which the individual failed to receive credit or training time, as determined under subparagraph (B)(ii) of this paragraph.".

(e) DEFINITION.—Section 101 of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(33) The term 'Persian Gulf War' means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.".

SEC. 2. EXTENSION OF DELIMITING DATE.

Section 2133(b) of title 10, United States Code, is amended by adding at the end the following:

"(4) Any period of service on active duty served by a person ordered to such active duty under section 672, 673, 673b, 674, or 675 in connection with the Persian Gulf War shall not be considered, for purposes of subsection (a), to be—

"(A) a part of the 10-year period referred to in clause (1) of such subsection; or

"(B) a separation from the Selected Reserve referred to in clause (2) of such subsection.".

SEC. 3. STUDENT LOAN DEFERMENTS.

(a) RETENTION OF GRACE PERIOD.—Repayment of any loan made under part B or E of title IV of the Higher Education Act of 1965 to an individual who is a member of the Armed Forces called or ordered to active duty in connection with operations in the Persian Gulf region shall be eligible for deferment under section 428(b)(1)(M)(ii) or 464(c)(2)(A)(ii), respectively, of the Higher Education Act of 1965, during the continuance of such duty. Such period of deferment shall not be counted against the grace period (preceding the commencement of repayment) that is available to any such individual with respect to any such loan under section 428(b)(1)(E) or 464(c)(1)(A), respectively, of such Act.

(b) OPERATIONS IN THE PERSIAN GULF REGION DEFINED.—For purposes of subsection (a), the term "operations in the Persian Gulf region" means United States military activities conducted as a consequence of the invasion of Kuwait by Iraq on August 2, 1990, including United States military activities conducted under the name Operation Desert Shield or Operation Desert Storm.

A TRIBUTE TO CPL. DAVID TATUM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. DUNCAN. Mr. Speaker, the tragic death or injury of many American soldiers occurred just as victory in the Middle East was at hand.

Saddam Hussein launched a final Scud missile at Dhahran, Saudi Arabia, in the final week of the Persian Gulf war. As you know, that Scud hit a building where U.S. Army personnel were staying.

One of the fine soldiers who lost his life at that time was from my district—Cpl. David Tatum of Riceville, TN.

David was only 22 years old. He had enlisted in the Army after he graduated from high school and served for 3 years until 1990.

He was one of the many reservists called back into active duty in the wake of this conflict. David responded faithfully and without question when his country asked him to serve again.

Mr. Speaker, I am grateful for David's willingness to answer the call of duty. It is the dedication and selflessness of many unsung heroes such as David Tatum that have made America the great Nation that it is.

It is sad that it often takes a tragedy like this to bring to our attention the uncommon valor of individual Americans. However, as long as we remember the sacrifices made by the David Tatums and their families, their lives are not given in vain.

My deepest condolences go to the family of Cpl. David Tatum and to all the families of those who lost loved ones in the Persian Gulf war. I applaud the devotion to our great country represented in the service of all our military personnel who went to the Middle East.

Our prayers are with them all, as are the inadequate thanks of a grateful nation.

I ask that an article about David Tatum that appeared in the Knoxville News-Sentinel be printed in the RECORD.

[From the Knoxville News-Sentinel, Mar. 2, 1991]

SLAIN CORPORAL LEFT MESSAGE—DISCARDED PAPER BECOMES TREASURE

(By Randy Kenner)

RICEVILLE, TN.—Cpl. David Tatum was a quiet man who kept his emotions to himself.

But words that he never planned on anyone seeing speak volumes about his feelings in the days before he went to the Persian Gulf.

"I hope what lies ahead for me will be God's will and he will look over me and my family during this time of twelve months," Tatum wrote in late January after being called up to serve with the U.S. Army.

A little more than a month later Cpl. James David Tatum was dead.

The 22-year-old McMinn Countian was killed when a Scud missile slammed into a U.S. Army barracks in Dhahran, Saudi Arabia, on Monday.

His family discovered the writing, which is in the form of a journal entry, after Tatum had left home.

"We didn't know it was written," said Gordon Swallows, Tatum's stepbrother. "After he was gone they were taking out the trash, saw what looked to be a wadded up letter in the garbage."

"We got it," Swallows, 25, said Friday morning in a voice strained with emotion. "This is how David felt."

Tatum's family broke three days of near silence Friday when they met with reporters on the lawn of their home just off Riceville Road in McMinn County.

A flag flew at half-staff from the porch of the small home, tucked into a quiet hillside. A picture of Tatum sat on the steps for photographers.

Swallows said the family believed it was time to speak publicly after an initial reluctance to discuss his death.

"We felt like it was our duty," Swallows said. "He was ours but he was the nation's."

The family, he said, is holding up. Swallows was the spokesman for the family Friday.

"They're doing good now. Of course, the initial news was * * * heartbreaking," he said. "It's still tough * * * to talk about some things. The hard part's still to come, when the body actually gets here."

Tatum's parents, Ray Neal Tatum and Carol Tatum, listened quietly while Swallows read a prepared statement. By the time Swallows reached the end the trio had their arms around one another. They drew especially close when Swallows, who has been trying to shield his parents during the ordeal, faltered toward the end.

"Our sorrow in this time of loss is tempered by the notion that, in God's world, everything has a purpose and a meaning," he said, struggling to keep from breaking down. "God bless you, David. * * * We love you * * * and will all miss you very much."

Both parents had little to say.

"All I know is that Jesus Christ right now has his arms around him. He's in a better place," Ray Neal Tatum said.

Carol Tatum, speaking with Swallows at her arm, said, "I'm just his stepmother, but I was his momma in his heart. I had him for 10 years and he couldn't have been closer to me than this one (her son, Swallows) that's on my right right now."

Swallows said the family is grateful they found Tatum's writings.

He wouldn't have been able to say what he wrote.

"Nothing emotional like that would he have said out loud, even though he felt it," Swallows said.

Before he left for the Persian Gulf, Tatum "went to people individually. It wasn't a very emotional goodbye. He was saying it the best way that he could," Swallows said.

Tatum joined the Army after graduating from high school and served a three-year hitch before getting out in 1990. He was

working as a mechanic's helper on heavy equipment when he was called back into the service.

Swallows said his brother might have had a premonition something was going to happen to him. He telephoned home often until he reached Saudi Arabia and the war heated up.

"I feel he did. He was going to (see) everyone and he kept calling home," Swallows said. "He called home practically every day, sometimes two or three or four times a day, just to talk to people, to his family, to let them know he did love them."

PLEA FOR GOD'S WILL TO BE DONE AMONG LAST WORDS WRITTEN BY MCMINN SOLDIER

Daniel Tatum wrote the following words shortly before he left McMinn County for Fort Lee, Va., in late January. He died earlier this week in Saudi Arabia in Monday's Scud missile attack on Dhahran. The Scud hit a large barracks.

"Day 1 I found out at 6:30 a.m. that I was to report to Ft. Lee, Va., on Jan. 31, 1991, for the regular army. I was expecting this ever since the crisis in the Middle East started. It was a day of mixed emotions. I was glad I finally found out if I was going to be activated or not. On the other side of all this I feel bad about all the sorrow that everyone is going thru.

"Last night before leaving I went and said goodbye once again to I hope all the people that know me around the Athens and Riceville area. If did not maybe they will understand.

"I hope what lies ahead for me will be God's will and he will look over me and my family during this time of twelve months.

"What is happening in the Middle East (no war is right) but if that is God's will then I will do all I can for the cause but if it's not the Lord's will then I hope he will forgive me and all that is being and going to be done over in the Middle East.

"That will be it for tonight until tomorrow may God be with all the troops in the Middle East (All of them)."

HONORING MARY ANN ARTY FOR HER CONTRIBUTIONS TO PUBLIC HEALTH

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. WELDON. Mr. Speaker, I rise today to pay special tribute to a close friend of mine, Mary Ann Arty. Last week, the American Medical Association presented her with the Dr. Nathan Davis Award for outstanding public service.

To the residents of Delaware County, PA, Mary Ann Arty is known to all. A former nurse and State representative, she now serves as chairwoman of Delaware County Council. Mary Ann began her career in medicine after her graduation from the Medical College of Pennsylvania School of Nursing in 1947. After serving as a public health nurse in Springfield Township for more than a decade, she was elected to the Pennsylvania House of Representatives in 1979. Mary Ann Arty served her constituents and the State with distinction until 1988, when she joined Delaware County Council. She now chairs that very important organization.

The AMA has recognized Mary Ann Arty for her outstanding work to promote the science of medicine. I would like to mention some of her most outstanding accomplishments. Mary Ann served on the Delaware County Commissioners Council on Drug Abuse, was a member of the Governor's council for human services, was a delegate to the White House Conference on Children in 1970 and the White House Conference on Families a decade later, and she serves on the advisory boards of numerous educational and health care groups in the Commonwealth of Pennsylvania.

Mary Ann Arty is a public servant in the greatest sense of the word. She has used her position as an elected official to continue her work on behalf of the sick. She is a great leader and a true friend. I know that my colleagues join me in commending her on her receipt of this prestigious award.

A TIME FOR LABOR-MANAGEMENT UNITY

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SANTORUM. Mr. Speaker, I want to take a moment to commend the many people in western Pennsylvania who will be gathering together for the 12th international labor-management prayer breakfast. As we enter a time of international peace and accord, we need more than ever to see this spirit of reconciliation operating here between labor and management. The principles of love, dignity, and respect must be operative in the work environment. Our Nation has been built and sustained by the hard work of those in labor and management. When we work together, nothing can stop us. Our recent successes abroad attest to this. But when we are divided, our ability to compete and perform is severely impaired. Therefore, Congress applauds the efforts of those involved in the labor-management prayer breakfast. Their vision and willingness to work together is what our Nation needs as we enter a new century. So to those attending, thank you for your prayer and your fellowship to bring reconciliation to the workplace.

TRIBUTE TO CHIEF WARRANT OFFICER 2 HAL HOOPER REICHLE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to CWO 2 Hal Hooper Reichle of my 17th Congressional District of Ohio, who was killed in action on February 20, 1991, in Saudi Arabia while returning from a recon combat mission. Mr. Reichle served as a helicopter pilot of an OH–58 Scout to the 1/24 Aviation Regiment, 24th Infantry Division based in Savannah, GA.

Hal Reichle spent his childhood in both Youngstown and Warren, OH, and is a graduate of Kinston High School. Following high school, he attended Hiram College in Hiram, OH, and served the community as both a volunteer fireman and dispatcher for the Hiram Police Department. Mr. Reichle graduated from Hiram College in 1986.

Mr. Reichle continued his service by enlisting with the U.S. Marine Reserves. After 5 years of service, he was transferred to the U.S. Army where he underwent extensive training for helicopter duty. After the completion of his training, CWO 2 Hal Reichle served in Korea, California, Texas, Georgia, and in the Middle East since August 1990.

Hal Reichle was a very skilled and competent pilot who was well liked and respected by all who knew him. Mr. Reichle was a Christian and a humanitarian, always serving and lending a hand where he was needed. It was these characteristics which led Mr. Reichle to become a scout and not a combatant, and often expressed his humanitarianism and love of country by stating:

God forgive me if I am ever responsible for anyone's death and I do hope that the American people appreciate what we are doing over here.

Mr. Reichle is survived by his wife, Arricca Elin Sansone Reichle of Youngstown, OH, who is the daughter of Mr. and Mrs. A.E. Vea of Liberty Township, and by his parents Barbara Reichle of Bedford, OH, and Mr. Wayne Reichle of Marietta, GA. CWO 2 Hal Reichle was buried in the National Cemetery in Marietta, GA, with full military honors on March 1, 1991. The Hal Hooper Reichle Memorial Scholarship Fund has been established in his honor, open to all those in need.

Mr. Speaker, I would like to take this opportunity to recognize CWO 2 Hal Hooper Reichle for his outstanding service to our country. I am proud and honored to have represented this upstanding, respected individual.

THE DOMESTIC MEAT PRODUCERS AND CONSUMERS PROTECTION ACT OF 1991

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. WILLIAMS. Mr. Speaker, today I am introducing the Domestic Meat Producers and Consumers Protection Act to maintain the quality of the American meat and poultry supply.

Because of a frankly ill-advised and shortsighted Department of Agriculture plan to end all Federal inspections of imported Canadian meat and poultry, both American consumers and producers will be denied the assurance that our domestic food supply is safe.

The legislation I am introducing along with my colleague Congressman DORGAN of North Dakota is simple and straightforward. Our bill would protect the public's confidence in our meat and poultry by requiring the continued inspection by the Department of Agriculture of imported Canadian meat and poultry.

The plan by the USDA to abandon all imported meat inspections is part of an experiment prompted by the new United States-Canada Free-Trade Agreement. Prior to the ratifi-

cation of the trade agreement, all trucks shipping meat into the United States from Canada were required to stop for inspection at one of a handful of American inspection stations along our border with Canada.

In recent months the Department of Agriculture has implemented a so-called streamlined inspection system that now requires only a certain, limited number of trucks which are computer preselected by Canada to stop at our border for inspection.

Incredibly, the next and final step, the USDA wants to take is to eliminate inspections altogether, including even the checks under the so-called limited system.

Mr. Speaker, American consumers have benefited perhaps more significantly than those from any other corner of the world from a long and hard won effort in this Nation that stretches back to the turn of the century to assure and maintain a safe and healthy food supply. We ought not let this new effort to abandon inspections be the thread that starts the slow and dangerous unraveling of the confidence which took so long to establish.

The streamlined system now in effect has serious problems of its own. It directly diminishes confidence in our domestic meat supply by handing over to a foreign nation the responsibility and authority for deciding which meat import will be inspected and which will not. It is the proverbial fox guarding the chicken coop.

But on the other hand, the anticipated plan which USDA is now on the verge of implementing of no inspections at all is a clear threat to the health of the American people.

USDA statistics record that 703 million pounds of meat from Canada entered my State of Montana in 1989. Given Canada's status as the No. 1 foreign exporter of meat to the United States and the fact that it has the worst rate of meat rejected for entry into our domestic market, there is considerable reason for wanting to maintain our current USDA-conducted border meat inspections. That is precisely what the bill Congressman DORGAN and myself are introducing would do.

CONGRATULATIONS SMITHTOWN HIGH SCHOOL EAST

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, I am honored to have the opportunity to extend congratulations to the advanced placement government class of Mr. Alan McKeeman at Smithtown High School East in my district, on Long Island. Mr. McKeeman's class finished first in the overall standings in the New York State finals of the national bicentennial competition on the Constitution and Bill of Rights simulated congressional hearings.

The national bicentennial competition is the most extensive program in the country designed to educate young people about the history and principles of the Constitution and Bill of Rights. There are 2 million students at the elementary, middle, and high school levels who will participate in the program during the academic year. The students must participate in an intensive 6-week course of instruction where they address critical issues such as constitutionalism, checks and balances, due process, and human rights. Mr. McKeeman's class demonstrated their exceptional knowledge of these and other important constitutional issues in the simulated congressional hearings in the New York State finals. I am proud to announce that the following students from Smithtown High School East in Saint James, NY, will be representing New York State in the national finals held here in Washington, DC, in late April: Lorraine Adams, Heather Anderson, Andrea Bertone, Victor Chiu, Rocco DeBonis, Leza DiBella, Kelly Diffily, Daniel Edelbaum, Jonathan Fields, Sean Flynn, Robert Gabriele, Paul Gadue, Kevin Gleason, Melinda Hough, Tamarra Matthews, Nicole McGraime, James Nyberg, Jeffrey Pettit, Jocelyn Pletz, David Podwall, Hiraku Shimoda, Kimberly Smith, and Stephen Smith.

I am proud today to honor Mr. Alan McKeeman and these students from Smithtown High School East. I wish them the best of luck as they represent my State of New York in the national bicentennial competition of the Constitution and Bill of Rights next month. They are shining examples of a new generation of leadership for our Nation. I want to commend these outstanding students for their accomplishments and for their commitment to contribute to our Nation.

TRIBUTE TO DR. ROSCOE C. BROWN, JR.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SERRANO. Mr. Speaker, each February, the Nation pauses to observe Black History Month in tribute to those citizens who have enriched this country with their contributions to culture, to science, to education, and to public service. On February 23, 1991, I presented an award in honor and recognition of extraordinary public service. I rise today to praise the recipient of this award, Dr. Roscoe C. Brown, Jr., a man whose contribution to education, to the African-American community, and to the city of New York, has earned him a wide reputation as a distinguished and accomplished public citizen.

Mr. Speaker, my friend Roscoe C. Brown, Jr., is an exceptionally capable and talented individual. Time and again, he has demonstrated keen ability and commitment that have characterized his life of dedication to equal opportunity and civil rights for all Americans. He has performed each job with skill and professionalism, always offering tremendous contributions to each activity. His list of credentials is most impressive.

A native of Washington, DC, Dr. Brown attended Dunbar High School and received his bachelor's degree from Springfield College, MA. He holds a doctorate from NYU and served as a faculty member at West Virginia State College and as a full professor at NYU's School of Education. He was formally director of the Institute of Afro-American Affairs at New York University. Dr. Brown currently serves as president of Bronx Community College of the City University of New York.

Dr. Brown served his country in a military capacity as well. He belonged to a heroic group of patriotic young men—the Tuskegee Airmen—who sought to join the U.S. military as the first black pilots in the Army Air Force. It was an epic struggle that required the intercession of many prominent people including an appeal from Eleanor Roosevelt to grant them the opportunity to prove their skill and mettle as flyers. Dr. Brown and his fellow airmen had to battle segregation and racism in America before they were allowed to do battle against fascism in Europe. They trained at the Army Air Base at Tuskegee Institution and flew many missions as fighter escorts on bombing raids over Europe. As an Army Air Force Captain who commanded the 100th Fighter Squadron, Dr. Brown was awarded the Distinguished Flying Cross and Air Medal with eight Oak Leaf Clusters. He earned the Air Medal after becoming the first American pilot to successfully shoot down a Nazi jet fighter aircraft.

Dr. Brown's publications include the widely read reference work, The Negro Almanac; Classical Studies in Physical Activity, with Gerald Kenyon; New Perspectives of Man In Action, with B.J. Cratty; The Black Experience, and more than 60 articles which appeared in such scholarly journals as Annals of Political and Social Science, Journal of American Dental Association, The Journal of Negro Education, and Negro Digest. He prepared the very popular "Black Culture Quiz," of which over 200,000 copies have been distributed.

Mr. Speaker, I would describe Dr. Brown's dedication to community service as nothing less than exemplary. Dr. Brown serves as chairman of the New York City Regional Education Center for Economic Development, the Negro Ensemble Company, and the Greater Harlem Nursing Home. He is a member of the National Boards of the American Council on Education and the Boys Clubs of America. He also serves on the boards of the Public Education Association, the Metropolitan YMCA, the Fund for the city of New York, the New York Botanical Garden, the New York City Partnership, the New York Academy for Public Education, and the City Parks Foundation. In addition, Dr. Brown serves on the board of directors of the American Association of University Administrators, the New York State Human Rights Advisory Council, the ACE Commission on Minorities in Higher Education, and the AACJC Urban Community College Commission. Dr. Brown is president of One Hundred Black Men, Inc., an influential group of civic-minded Black New Yorkers.

In addition to service organizations, Dr. Brown has taken an active role in promoting African-American culture in the field of the arts. Dr. Brown has hosted numerous television programs, including "Black Letters" (WCBS–TV), "Bicentennial: A Black Perspective" (WNBC–TV), "Freedom's Word" (WNBC–TV), and "Black Arts" (WCBS–TV) for which he received the coveted Emmy Award. He also hosted a weekly radio program, "Soul of Reason," (WNBC–NY) and a weekly tele-

vision news segment, "Black Viewpoint," (WNYC/Channel 31).

Dr. Brown has received numerous awards and honors for scholarly and community activities, among them the Rosenwald Fellowship, NYU Distinguished Alumnus Award, and the National Distinguished Community Service Award from the National Urban Coalition. He was recently inducted into the National Association for Sports and Physical Education Hall of Fame.

Mr. Speaker, those who are fortunate enough to know Dr. Brown, know him as a man of integrity and vision. His compassion toward all Americans is evident by his extensive participation in so many activities. He is a devoted and proud father of four children. It is my hope that as we join to honor this exemplary man, a true role model for his peers and for generations of young adults and children, we may learn from his devoted community service, and recognize his achievements as a Black American. It is with true pleasure that I offer my heartfelt congratulations to Dr. Brown.

COMMENDING U.S. FORCES IN DESERT STORM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. DUNCAN. Mr. Speaker, when Iraq and its leader, Saddam Hussein, risked the relative stability of the Middle East last August, American troops once again found themselves called to action. Hussein's aggression against Kuwait put United States security interests at risk.

I strongly supported the President's quick and decisive response to this aggression and am proud of all our troops who have been sent to the Middle East.

Whenever duty has called, Americans—and Tennesseans in particular—have always responded faithfully. We hold duty, honor, and country in highest regard. And rightfully so, because these are among the greatest of basic American values.

The impressive performance and decisive success of our troops in Operation Desert Storm clearly show that our military forces are ready, willing, and able to respond whenever necessary.

I am very proud of the members of our Armed Forces—regulars, reservists, and the National Guard—who responded so ably to the call of duty to the Persian Gulf region. Their success in Operation Desert Storm bears witness to their dedication, professionalism, excellent training, and the quality of their leadership in the field.

While we cannot adequately express our thanks to the families of those who lost their lives for the sacrifices they made, I thank God for the love and devotion that has been shown in their selflessness. These patriots put the needs of their country above their own needs or personal convenience.

The whole Nation's prayers and thoughts have continuously been with our brave troops so far away and with their families here at home. I thank the One who hears these prayers for bringing about a quick resolution to the crisis in the Middle East and for His protection over the lives of the personnel involved.

Mr. Speaker, it is appropriate that the Congress commend the success of our troops and allies in Operation Desert Storm on their military success. I was very pleased to join my colleagues in this effort by supporting House Resolution 95.

INTRODUCTION OF THE BLACK CANYON NATIONAL CONSERVATION ACT

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. CAMPBELL of Colorado. Mr. Speaker, today I am proud to reintroduce the Black Canyon of the Gunnison National Conservation Act.

After years of intense discussion, study and anticipation, I have decided that redesigning the monument as a national park, establishing a national conservation area and adding the Gunnison River to a growing list of nationally recognized wild and scenic rivers may finally resolve the land use, water, and tourism-related issues that have kept the area controversial.

A southwest parks and monuments booklet begins by stating:

> Few words adequately describe the splendor of the Black Canyon of the Gunnison . . . far too many people pass by it. A relative unknown, it ranks among the deepest and narrowest canyons in North America, dwarfting such popular chasms as the Royal Gorge and Bryce Canyon.

Truly, its sheer walls, shadowed depths, and the intense colors produced by canyon sunsets awe every visitor.

The Utes were very superstitious about the canyon, believing that no man could enter it and return alive. While drafting the bill, I was very mindful of these superstitions, because attempting to sort out the demands of every user group and the needs of the communities in the area has been a difficult task.

I believe this bill accomplishes several things. First, it redesignates the monument as a national park without expanding the park boundaries. This preserves existing multiple uses within the area that are so important to off-road enthusiasts, hunters and fishers, and local cattlemen who have grazing permits on adjacent lands. It also fulfills the demands of local business people who have long felt that only a park could entice new tourists to pass by this way. That designation, however, does not and cannot come without cost. National environmental groups, who will be our strongest allies or our fiercest opponents, will not accept a mere label. Nor should they.

With increased use must come increased protection for the canyon's resources. A national park is a lot like a living museum. It is designed to interpret and protect, for all Americans and all generations, an area that Congress has set aside because of its unique and diverse resources. I am particularly excited about the wild and scenic river proposal. The Utes called the Gunnison River Tomichi, meaning the river of high cliffs and plenty water.

The canyon by itself cannot become a park. With the establishment of a new national conservation area, one of only a handful of special areas run by the Bureau of Land Management, and the establishment of only the second wild and scenic river in our State, I feel I can successfully convince my colleagues that Colorado deserves another national park and stands ready to accept the responsibility that comes with it.

I certainly stand ready to push forward at the earliest opportunity to resolve any remaining issues. I hope I can count on your support.

TRIBUTE TO THE NATIONAL ITALIAN-AMERICAN SPORTS HALL OF FAME

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the National Italian-American Sports Hall of Fame [NIASHF] being held in Chicago on March 10, 1991. The purpose of NIASHF is to honor the commitment for which it was founded by annually inducting Italian-Americans on the basis of their achievements and contributions to international sports, and providing scholarships to worthy students regardless of race, color, sex, and creed for their academic and athletic accomplishments.

The inducted sports figures will be permanently enshrined as visible examples to all who visit the Hall of Fame. It is the hope of NIASHF that young people will be reminded of the value of persistance and dedication required to achieve success in life. The following sports figures are to be honored at this year's induction ceremony: Edward J. DeBartolo, Jr.—a constituent of mine who is also owner of the San Francisco 49ers—Sportsman of the Year; Joe Montana, Athlete of the Decade; Chris Corchiani—North Carolina State—College Athlete of the Year; and Tim Colicchio—Cathedral Prepratory, Erie, PA—High School Athlete of the Year.

NIASHF also serves as a national learning center by providing interactive educational exhibits relating to family unity, sportsmanship, health, drug abuse, and other topics contributing to the development of positive lifestyles among all people. Many prominent sports figures have been rallied not only to serve as role models, but to become involved in the program as teachers and as coaches.

The commitment on which NIASHF was founded will additionally be served by the Edward DeBartolo Center, upon its completion. The DeBartolo Center will serve as a facility complete with all sports programs. Through its different facilities, NIASHF and its chapter will develop and plan: Tournaments in which all chapters can participate, clinics in all of the major fields of athletics to enhance the expertise of potential sports champions, educational seminars in which young people can learn first hand from prominent sports figures, and national events open to young people throughout the country.

Mr. Speaker, I would like to take this opportunity to recognize the National Italian-American Sports Hall of Fame for its dedication and commitment to the education of young people. NIASHF has built the futures of many up and coming champions, and I commend all those in its service.

JOB CORPS AMENDMENTS OF 1991

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce amendments to the Job Corps Program which are designed to improve services to the many young Americans who participate in Job Corps each year. I introduced this legislation—H.R. 2665—in the 101st Congress and was joined by 106 cosponsors. This bill was incorporated into the Job Training Act Amendments of 1990 which passed the House by a vote of 416 to 1.

These amendments would: First, increase the upper age limit in the program from 22 to 25; second, clarify the authority to permit concurrent or subsequent participation in Job Corps and JTPA for the benefit of the individual; third, increase the limitation on nonresidential participation in Job Corps from 10 to 20 percent nationally; fourth, provide child care for children of enrollees; fifth, provide alcohol and drug abuse counseling; sixth, establish limits on administrative changes at civilian conservation centers; and seventh, establish uniform treatment of Job Corps contractors.

My amendments are primarily the result of the research and demonstration findings conducted by the Department of Labor.

INTRODUCTION OF THE FAIR TRADE IN SERVICES ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. MARKEY. Mr. Speaker, today I am introducing the Fair Trade in Services Act of 1991. The purpose of this legislation is to promote national treatment by foreign countries for U.S. providers of certain financial and communications services.

President Bush recently stated that "Our trade policy is to open markets worldwide for U.S. goods and services." While I share the administration's goal, the fact is that we have lost valuable time and must run even faster to achieve the elusive goal of a more fair global trade system.

The objective of an open worldwide market is particularly important to the telecommunications and finance sectors of the U.S. economy. As chairman of the Subcommittee on Telecommunications and Finance, I find myself increasingly concerned about the open discrimination and unnecessary trade barriers faced by U.S. providers of financial services and telecommunications equipment and services. Given the increasingly globalized nature of these critical industries, open markets and free and fair trade are essential to their continued ability to lead the world in sophistication and innovation.

According to the Commerce Department, telecommunications equipment and services—including related computer services—constitutes about 5 percent of America's gross national product. The U.S. telecommunications market is the most open and competitive in the world, and its future competitiveness is vital to our hopes for American technological supremacy in the 21st century. And yet today our country faces a trade deficit in telecommunications. An August 1990 report by the Commerce Department indicates that the overall U.S. telecommunications equipment trade balance has moved from a surplus of $1.1 billion in 1978 to a deficit of $1.9 billion in 1989. In addition, the Commerce Department reports that the U.S. telecommunications services deficit was $2 billion in 1989.

America's financial services industry faces similar problems entering markets abroad. According to data compiled by the Securities and Exchange Commission [SEC], at the end of 1989 there were approximately 130 broker-dealers operating in the United States in which foreign persons or companies had an equity interest of 25 percent or more. In addition, approximately 200 foreign investment companies are registered with the SEC. By contrast, U.S. financial services providers face a wide array of barriers to competition in the major financial markets of Europe and Asia.

I am introducing the Fair Trade in Services Act of 1991 to provide America with stronger tools to break down foreign barriers to U.S. telecommunications and financial services providers. This bill provides the kind of tough regulatory sanctions needed to convince our foreign trading partners that America is serious about opening up foreign telecommunications and securities markets.

FINANCIAL SERVICES

In the financial services area, the bill would establish a fair and transparent process whereby the Department of the Treasury, in conjunction with the SEC would have the authority to apply a reciprocal national treatment standard to encourage the fair treatment of U.S. securities brokers/dealers and investment advisers.

The 1990 national treatment study conducted by the Treasury Department provides numerous examples of why the United States needs to adopt regulatory sanctions to compel our trading partners to accord national treatment to U.S. securities firms.

The study notes some improvement with regard to Canada and some European Community [EC] member states, but it also indicates that progress in the newly industrialized countries has been modest and in certain Latin American nations a disappointment. Despite intensified negotiating efforts by the Treasury, Japan's market has remained strictly limited for most United States securities firms. For instance, while Japan has allowed United States mutual funds to be sold in their market, United States brokers are still prohibited from establishing and therefore selling those funds in the $400 billion Japanese market.

Within the securities industry, some countries, such as Brazil, have actually pulled back from providing market access and national treatment commitments. The Treasury investigation of Brazil's market determined that a significant new denial of national treatment has been enacted and old ones continue.

The Korean financial markets also remain closed to American firms. As stated in the national treatment study:

> The [Korean] government's steps toward liberalization have been aimed at allowing Korean financial institutions greater freedom to exploit opportunities in the United States.

This liberalization has not been directed toward easing domestic barriers to entry to accommodate U.S. securities firms. Taiwan is similarly defensive when it comes to affording United States securities firms equal opportunities to establish, operate, and compete.

The bottom line is that our trading partners are maintaining discriminatory and protectionist trade policies. We can either sit back idly and allow this to continue, or we can take resolute action to force the world's financial markets to open up to U.S. providers. Legislation seeking to accomplish similar objectives was introduced by Senators RIEGLE and GARN during the last Congress and has been reintroduced this Congress by those Senators. In hearings on their legislation, they compiled an extensive record supporting the need to open markets in the financial services arena. The Fair Trade in Services Act provides for:

A series of reporting requirements to identify countries that have failed to accord national treatment to U.S. securities firms—for example, broker-dealers and investment advisers;

The initiation of negotiations with any foreign countries identified in the report as having failed to accord national treatment in order to remove such barriers; and

Regulatory sanctions imposed by the SEC against foreign securities firms if no agreement is reached to eliminate foreign barriers to national treatment of such firms.

We must bolster U.S. trade laws to gain national treatment for U.S. securities brokers/dealers and investment advisers.

TELECOMMUNICATIONS SERVICES AND PRODUCTS

Since the breakup of AT&T in 1984, the United States has strived to maintain its $170 billion telecommunications products and services industry as one of the most open and fair markets for world trade. Unfortunately, while the United States unilaterally opened its telecommunications market to competition, most foreign telecommunications markets remain closed.

Under the Telecommunications Trade Act of 1988, which the Subcommittee on Telecommunications and Finance played a key role in drafting, the U.S. Trade Representative [USTR] is required to identify priority foreign countries which deny U.S. telecommunications companies with mutually advantageous market opportunities. The USTR is then required by law to negotiate with these countries to eliminate these barriers, and a variety of sanctions are provided for if no agreement is reached or if a foreign country violates the terms of a telecommunications trade agreement.

Pursuant to this legislation, the United States has negotiated a telecommunications

agreement with Japan and is currently negotiating with the European Community and Korea to reduce barriers to telecommunications trade.

The USTR has already indicated that "there is much work to be done," with regard to the state of the EC's telecommunications products and services market. The Korean telecommunications market has even farther to go before it becomes a level playing field. Both the EC and Korea maintain outstanding trade barriers in every aspect of telecommunications—government procurement, testing and certification, leased lines and value-added services, standards, and other areas.

We need to send these countries—and others—the message that the United States does not intend to allow continued free access to the U.S. market without obtaining similar national treatment commitments on their part. Title II of the Fair Trade in Services Act of 1991 would effectively send such a message to free riders such as the EC and Korea by potentially denying them the privilege of national treatment in the United States telecommunications market.

The legislation builds upon existing telecommunications trade laws to provide the Federal Communications Commission [FCC] with the authority to deny applications filed by persons or companies of a foreign country that has either violated a telecommunications trade agreement or has been identified as a priority foreign country and failed to conclude an agreement with the United States to reduce its telecommunications trade barriers.

In the past, the USTR repeatedly has found Japan in violation of key telecommunications trade agreements. On April 28, 1989, for example, the USTR cited Japan for not complying with the market oriented sector selective [MOSS] telecommunications agreement in the areas of cellular telephones and third-party radio. As a result of Japan's discrimination, the American firm of Motorola experienced a significant loss of competitive market advantage and incurred significant opportunity costs.

In March 1990, the USTR undertook negotiations with Japan to implement an agreed upon commitment to liberalize network channel terminal equipment [NCTE] and international value-added network services [IVANS]. The Japanese had devised an exclusive bid process for NCTE which blocked United States providers from a $750 million market. In IVANS, AT&T was withheld from the Japanese market for 18 months due to a lengthy and discriminatory application process in Japan's telecommunications business law.

In both cases, the time it took to eliminate these trade barriers reduced the competitive advantage held by United States companies—allowing Japanese competitors time to catch up. In the dynamic world of telecommunications, time is of the essence to maintain competitive advantage. I remain deeply troubled that the Japanese have continued to demonstrate a lax attitude toward compliance with trade agreements as strategy to buy time for their domestic industry. Title II of the Fair Trade in Services Act of 1991 would provide the authority to the FCC to undertake regulatory sanctions against violators of telecommunications trade agreements in the future, an action I believe may be necessary to ensure prompt conclusion and full compliance with telecommunications trade agreements.

Similarly, the threat of retaliatory sanctions may be necessary to secure agreement from the EC and Korea to liberalize their telecommunications market. We are now in the final year of negotiations with the EC and Korea permitted under the Telecommunications Trade Act. Yet, there are still substantial areas of disagreement between the United States and these countries, such as the treatment of telecommunications in the General Agreement on Tariffs and Trade [GATT] government procurement code and standards code, the GATT coverage of basic and enhanced telecommunications services, and a number of important bilateral issues, such as leased lines and value-added services.

CONCLUSION

In today's global marketplace, the U.S. telecommunications and securities industries should be well-positioned to compete effectively. The Fair Trade in Services Act of 1991 is intended to assist in the opening of foreign markets by raising the prospect of regulatory sanctions against those countries that continue to deny national treatment to U.S. telecommunications providers and securities firms. I strongly urge my colleagues to support this important legislation.

SECTION-BY-SECTION ANALYSIS OF THE FAIR TRADE IN SERVICES ACT OF 1991

A Bill to provide regulatory incentives to promote national treatment by foreign countries to United States providers of certain financial and communications services, and for other purposes.

Section 1

Section 1 sets forth the short title of the Bill, the "Fair Trade in Services Act of 1991."

TITLE I—FINANCIAL SERVICES

Section 101

Sec. 101 adds a new section to the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) which is intended to encourage foreign countries to accord national treatment to U.S. brokers/dealers that operate or seek to operate in those countries, and thereby end discrimination against U.S. brokers/dealers.

National Treatment

This section provides that the Secretary of the Treasury shall:

Submit a report to Congress (not later than December 1, 1992, and thereafter on a biennial basis) identifying any country that does not accord national treatment to U.S. brokers/dealers;

Determine and publish notice in the Federal Register that a foreign country does not accord national treatment to U.S. broker dealers;

Initiate negotiations with any foreign country identified either in the biennial report or in any published determination that a foreign country has failed to accord national treatment to U.S. brokers/dealers, and;

Allows the requirement for negotiations with a foreign country to be waived in the event that the Secretary determines that such negotiations would be fruitless or would impair national economic interests and if the Secretary gives written notice of the decision not to negotiate to the Congress.

Sanctions

This section directs the Secretary of the Treasury to publish notice of foreign countries that continue to withhold national treatment from U.S. brokers/dealers after negotiations have failed. If further authorizes the Securities and Exchange Commission (SEC) to deny any application filed by a person of a foreign country which has failed to accord national treatment to U.S. brokers/dealers and to prohibit the acquisition for which a notice is required by a person of such foreign country. This prohibition shall include any direct or indirect effort to acquire control of any registered U.S. broker/dealer, unless the SEC has been given notice 60 days in advance of the acquisition and has not prohibited the acquisition.

National Treatment

This section defines national treatment for U.S. brokers/dealers by a foreign country as offering them the same competitive opportunities and market access as are available to its domestic brokers and dealers.

Definitions

This section defines: Person of a foreign country as a company that is organized under the laws of that country, has its principal place of business in that country, in the case of an individual, is a citizen of that country or domiciled in that country, or is directly or indirectly controlled by one of the aforementioned persons.

This section also provides that the Secretary of the Treasury and the SEC shall act in a manner consistent with the obligations of the United States under a bilateral or multilateral agreement governing financial services entered into by the President and approved and implemented by the Congress.

Section 102

Sec. 102 adds a new section to the Investment Advisers Act of 1940 (12 U.S.C. 80b-1 et seq.) which is intended to encourage foreign countries to accord national treatment to U.S. investment advisers that operate or seek to operate in those countries, and thereby end discrimination against U.S. investment advisers.

National Treatment

This section provides that the Secretary of the Treasury shall:

Submit a report to Congress (not later than December 1, 1992, and thereafter on a biennial basis) identifying any country that does not accord national treatment to U.S. investment advisers;

Determine and publish notice in the Federal Register that a foreign country does not accord national treatment to U.S. investment advisers;

Initiate negotiations with any foreign country identified either in the biennial report or in any published determination that a foreign country has failed to accord national treatment to U.S. investment advisers, and;

Allows the requirement for negotiations with a foreign country to be waived in the event that the Secretary determines that such negotiations would be fruitless or would impair national economic interests and if the Secretary gives written notice of the decision not to negotiate to the Congress.

Sanctions

This section directs the Secretary of the Treasury to publish notice of foreign countries that continue to withhold national treatment from U.S. investment advisers after negotiations have failed. It further authorizes the SEC to deny any application filed by a person of a foreign country which has failed to accord national treatment to U.S. investment advisers and to prohibit the acquisition for which a notice is required by

a person of such foreign country. This prohibition shall include any direct or indirect effort to acquire control of any registered U.S. investment adviser unless the SEC has been given notice 60 days in advance of the acquisition and has not prohibited the acquisition.

National Treatment

This section defines national treatment for U.S. investment advisers by a foreign country as offering them the same competitive opportunities and market access as are available to its domestic investment advisers.

Definitions

This section defines: Person of a foreign country as a company that is organized under the laws of that country, has its principal place of business in that country, in the case of an individual, is a citizen of that country or domiciled in that country, or is directly or indirectly controlled by one of the aforementioned persons.

This section also provides that the Secretary of the Treasury and the SEC shall act in a manner consistent with the obligations of the United States under a bilateral or multilateral agreement governing financial services entered into by the President and approved and implemented by the Congress.

Section 103. Financial Interdependence Study

This section provides for the SEC, in consultation and coordination with the Secretary of the Treasury, and any other appropriate Federal agency or department to be designated by the SEC, to conduct an investigation to determine the extent of the interdependence of the securities industry and related financial services sector of the United States and foreign countries, and the economic, strategic, and other consequences of that interdependence for the United States. This report shall be transmitted to the President, the Congress, the Secretary of the Treasury, and any other appropriate Federal agency or department within 2 years.

TITLE II—TELECOMMUNICATIONS PRODUCTS AND SERVICES

Section 201

Sec. 201 adds a new section to the Communications Act of 1934 (47 U.S.C. 151 et seq.) which is intended to encourage foreign countries to accord national treatment to United States providers of telecommunications products and services that operate or seek to operate in those countries, and thereby end discrimination against United States providers of telecommunications products and services.

Notice

If after the USTR has complied with the appropriate measures as directed under the telecommunications title of the Omnibus Trade and Competitiveness Act of 1988, the USTR shall publish in the Federal Register a notice identifying countries that have failed to reach a telecommunications trade agreement with the United States or have violated an existing U.S. telecommunications trade agreement.

Actions by Commission

This section authorizes the Federal Communications Commission (FCC) to deny any application filed by a person of a foreign country which has been published in the Federal Register by the USTR. Unless the FCC in consultation with the USTR has determined the denial of applications is contrary to public interest.

Applications Subject to Evaluation

This section establishes that the FCC may with regard to services deny any license or other application, request for authorization, notice, tariff, or other document required to be filed for approval by the FCC under the Communications Act of 1934 or may deny any equipment subject to type acceptance or type approval, any certification or other document required to be submitted to the FCC. Additional criteria for denial to be supplied.

Review

This section provides that the USTR may, at any time, and shall, annually, review any country identified in the Federal Register to determine whether that country has remedied the offensive act, practice, policy or violation of a telecommunications trade agreement which does not accord U.S. telecommunications equipment or service provider national treatment.

Definitions

This section defines: Person of a foreign country as a company that is organized under the laws of that country, has its principal place of business in that country, in the case of an individual, is a citizen of that country or domiciled in that country, or is directly or indirectly controlled by one of the aforementioned persons.

SUPPORTING RESERVISTS WHEN THEY RETURN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. MAZZOLI. Mr. Speaker, I commend to the attention of my colleagues the following editorial from the February 11, 1991, Business First, a business journal serving the Greater Louisville area.

The editorial stresses the importance of supporting our troops when they return home, both in their communities and in their workplaces.

YELLOW RIBBONS DON'T PAY RESERVISTS' BILLS

Unlike during the Vietnam War, the American public has rallied around our troops serving in the Persian Gulf. But flag waving, rallies and yellow ribbons are meaningless if we don't give our service people the kind of tangible support they need.

A case in point is the various ways businesses are paying (or not paying) their employees who have been activated to serve in the war. Some pay nothing; others compensate employees for a limited period of time. Very few companies will pay workers for the entire time they are at war.

Americans putting their life on the line for their country should not have to worry about how they or their families are going to pay their bills. Likewise, family members back in the states have enough to worry about without also contending with a loss of income as a result of their loved ones being called to active duty.

Many companies argue they can't afford to supplement their employees' military pay. But some farsighted and compassionate employers, like General Electric Co., have recognized the hardships their employees' families must endure and have taken steps to ease the burden by supplementing military salaries.

Even some small business owners—without the vast financial reserves of giant corporations—are bearing such expenses at a time when the economy is not at its best.

Then there are those companies who have embarked on expensive advertising campaigns to demonstrate their support for the allied forces, but refuse to make any monetary concessions to their own employees entrenched in the sands of Saudi Arabia.

Waving the flag is easy. Making a sacrifice is something else.

Business should not be expected to bear all the sacrifice, however. Government also should be playing a greater role.

And who is government? It is the people. That means we the people must bear the expense of this and any other armed conflict.

Remember Vietnam and the horror stories of how soldiers were treated by their government and fellow citizens upon their return?

We all swear it won't happen again, but it can.

So far, we have been reassured that there is no need to raise taxes to pay for our Persian Gulf expenses. But what about when the soldiers return home?

There will be parades in their honor, but what will happen when the cheering stops?

Will those of us who claim our undying support for our military forces be willing then to pay the cost of the intense medical and/or psychological care some will need?

What will we say when we hear that there isn't enough money in the budget to fund job training or educational programs for those soldiers whose battle wounds preclude them from returning to their previous jobs?

Will we be waving flags then or will we step up and prove that we, too, are willing to pay the price of freedom?

EXPOSE SWEETHEART TAX DEALS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. WELDON. Mr. Speaker, I wonder how many of my colleagues can tell me how much the following 73 words from the 1986 Tax Reform Act cost American taxpayers.

(5) SPECIAL RULES FOR PROPERTY INCLUDED IN MASTER PLANS OF INTEGRATED PROJECTS.—The amendments made by section 201 shall not apply to any property placed in service pursuant to a master plan which is clearly identifiable as of March 1, 1986, for any projects described in any of the following subparagraphs.

(i) such project involves a port terminal and oil pipeline extending generally from the area of Los Angeles, California to the area of Midland, Texas.

The answer, Mr. Speaker, is $500 million or approximately $6.8 million per word. This language provided a lucrative tax break to the Pacific & Texas Pipeline & Transportation Co. President Cecil R. Owens owns 46 percent of the company's stock. Unfortunately, such carefully crafted tax breaks are all too common in tax legislation which we pass.

Today, with broad bipartisan support, I am reintroducing the Targeted Tax Relief Disclosure Act of 1991. This legislation is intended to provide some fairness to the American taxpayers by requiring the sponsor, beneficiary, and cost of each such narrow provision to be publicly disclosed.

A TRIBUTE TO THE RIGHT REVEREND MONSIGNOR OSCAR CALVO

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. BLAZ. Mr. Speaker, April 5, 1991, marks the 50th anniversary of the ministry to the people of Guam by the Right Reverend Monsignor Oscar Calvo. He is a most remarkable individual. On this date in 1941, Monsignor Calvo was ordained to the priesthood at the Dulce Nombre de Maria Cathedral in Agana, GU. He did not know it at the time, but Monsignor Calvo's years of service to his people would coincide with the most important era in the recent history of the territory—its development into a modern, multiethnic society.

As we know, any period of vast change is a time of great strain and anxiety for the people who must live through it. It is in these times that people are most in need of spiritual support and guidance to keep their ideals intact, their courses true.

Monsignor Calvo was there for his people.

He was there for them in time of war. Scant months after pledging his life to God through service to His people, Monsignor Calvo saw those people pinned under the heel of a ferocious enemy. Murdered, raped, imprisoned in concentration camps, forced to labor for the enemy, a lesser people might have been broken, but the people of Guam were not, and they were not because they held the sources of the inner strength—their faith in their God and in their country—inviolate. It was men like Monsignor Calvo who helped them maintain their strength and their faith. He buried the dead. He ministered to those broken in body. And he buoyed the souls of those who might despair.

With the coming of peace, Guam found itself forever changed. As much as some would have liked, the territory could not return to its tranquil past.

The farmers and fishermen who labored so unrelentingly for their families during the war, now found themselves toiling in new areas, becoming the businessmen, political leaders, and entrepreneurs who would rebuild Guam.

Again, there was much change. Peace did not necessarily bring tranquility.

But again, Monsignor Calvo was there for his people.

The simple faith that abounded before and during the war was challenged now by the complexities of modern life. Guam's people began to take control of their political and economic destinies. In such circumstances, it would have been easy for the old values to have been lost, for the people to have embraced everything that seemed new simply for its novelty while forsaking the values that had maintained them for centuries.

But the spiritual leaders, like Monsignor Calvo, preserved the best of the past. Monsignor Calvo taught through word and deed that wealth of spirit is a worthier goal than easy material gains. He showed that political maturity is only possible when it is directed toward the good of all the people. And he taught that love of one's fellow man, regardless of who he is, is what marks a great people. And it was from him and the leaders like him that the people learned and held firmly in their souls, that the common thread that links the businessman in his imported car today to his grandfather tilling a field behind a carabao is their unique heritage.

Mr. Speaker, I commend Monsignor Calvo not only to our own people but to people everywhere, for it is from him and men and women like him that we can all learn that the worth of our lives is not in what we bank but in what we give away.

In the tradition of our people, Monsignor Calvo, I kiss your hand in mangnigni for a half century of service to God, to our country, and to our beloved people of Guam.

FREEDOM'S CALL

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. FISH. Mr. Speaker, in the past 7 months, millions of Americans have expressed their appreciation and support to our brave young service members in the Persian Gulf. And now that Kuwait has been liberated, our gratitude is strong as ever.

Recently, I received an example of this appreciation in the form of a poem from one of my constituents, Gerald M. Delaney of Wappingers Falls, NY. The poem, entitled "Freedom's Call" salutes America's soldiers of previous wars as well as those in the Persian Gulf. I am pleased to share it with my colleagues.

FREEDOM'S CALL

(By Jerry Delaney)

In hallowed ground in Arlington,
lie the spirits of brave men.
Called upon to keep us free,
they fought on to the end.

These men, unknown, but loved by all
for a job they did, so well.
They gave their lives to keep us free,
and for freedom, went through hell.

Now our Country, calls again,
to protect the rights of all.
And with the spirits of these men,
we will answer freedom's call.

It matters not, where you come from,
or if you're a woman, or a man.
You fight on again, for freedom's sake,
and united you all stand.

The United Nations sends out a call,
to bring aggression to its knees.
And restore the right of all mankind,
to enjoy peace, and liberty.

As the battle rages day by day,
again in foreign lands.
We face a foe, that would take away,
the rights of every man.

This Country like, its people stands,
for freedom, peace and love.
Our cause is just! and we will win!
with the help, from God above.

WHEN MOTHERS CHOOSE TO REMAIN IN THE MILITARY

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. JACOBS. Mr. Speaker, as usual, Joan Beck of the Chicago Tribune has written wisdom.

WHEN MOTHERS CHOOSE TO REMAIN IN THE MILITARY

(By Joan Beck)

CHICAGO.—The issue—thank God—should soon lose its heartbreaking immediacy.

But while the pictures of mothers handing their babies and small children over to others while they go off to war are still seared into our minds, the nation needs to rethink the policies that have led to such family distress.

The issues don't sort out easily. And no completely fair solution may be possible.

What is absolutely clear is that babies and young children need to be with their mothers—and, as much as possible, their fathers—without long periods of separation. The reasons are written deep in human biology and confirmed in human experience for eons. No child care experts, no educators, no psychologists argue to the contrary.

But this biological imperative—which is mirrored in mothers' need for closeness with their babies and young children—collides with the innate right of women to participate freely and equally in all aspects of adult life, to be, in the words of Army hype, all that they can be.

There is no doubt women have earned the right to serve in the armed forces. They can hold their own in the vigorous programs of the military academies. They are acquitting themselves well in the Persian Gulf. Despite still-existing rules about not engaging in combat, service women have come hair-splittingly close to actual fighting and done it honorably and creditably.

Gender shouldn't bar women who can qualify from the service academies, with their high-quality, free education and career prospects. Nor should it make women ineligible to volunteer for the armed forces, the reserves and the National Guard, with their opportunities for training and benefits.

How can this country balance these rights with the innate need of mothers and young children not to be separated by war and half a world of time zones—and do it in a way that's fair to men as well?

Several members of Congress have introduced bills to prevent the enforced separation of mothers from their young children for combat-zone service. At least one measure also would exempt single fathers or one of a military couple from wartime duty overseas.

But it's not certain whether Congress will take any action soon, buck the issue over to the Pentagon or hope it will fade away with the end of the war. Nor is there any consensus among legislators as to what a compassionate, workable policy should be.

It isn't fair for women to sign up for military training and service and then use motherhood to opt out when they are about to be sent into harm's way. The possibility of war, after all, is the purpose of the training for which they are being paid.

But mothers should have the option of bailing out of their commitment at some specific time before orders come for combat

or overseas duty. Two such windows should be provided—when a woman first learns she is pregnant and at the conclusion of maternity leave, when she has a better understanding of the emotions and responsibilities motherhood involves.

Mothers who choose to remain in the service should be required to put on file their plans for child care in case they are suddenly sent overseas—after they have had counseling about the effects of such a separation on them and on their vulnerable offsprings.

The same choice to opt out should also be available to single fathers—at the time they first assume the sole responsibility.

Mothers and single fathers who don't use these windows of choice to leave the armed forces should be held to their original enlistments, children or not.

The flaws in these proposals are big and obvious.

Some mothers and single fathers will gamble that the United States won't get involved in a shooting war for years to come and not take a discharge for reasons of children. In the event of another war, their tearful farewells to their fearful youngsters will make it obvious this proposal isn't enough.

Another objection is that allowing women to opt out because of motherhood would let them unfairly chuck an obligation to duty they undertook as equals to men—inviting all the old assumptions about women used for millennia to keep them in their unequal place. An opt-out for single fathers might even encourage divorce or a de jure-only split for men who wanted to wiggle out of combat.

But these proposals do give babies and young children of service personnel more protection from damaging separation stresses and temporary—or permanent—orphaning than they have now. They make it clear that the decisions involved must be those of individual women and single fathers—not blanket rules by the Pentagon or Congress.

And such rules would not keep women who want a service stint or a service career from having it because of well-intended regulations intended to protect children they may never have.

CONCERN FOR SOVIET REFUSENIK EVGENY PISAREVSKY

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SWETT. Mr. Speaker, I rise today to draw attention to the case of Evgeny Pisarevsky, a Jew who has been denied permission to leave the Soviet Union. On March 8, Mr. Pisarevsky is staging a special protest to call attention to the Soviet Government's refusal to allow him the freedom to leave the Soviet Union. He has been denied permission to leave on the basis of the "Poor Relative" article, which prohibits persons from leaving the country without a financial waiver from their parents and, in applicable cases, from any former spouse of those seeking to emigrate with children. Many times the relatives who need to give permission are intimidated and threatened, thus discouraging them from signing the necessary papers.

Mr. Pisarevsky's case began in 1978, when he and his family decided to leave the U.S.S.R. because of the oppressive anti-Semitism of the Soviet regime. He left his job in 1978 in preparation for their eventual application to emigrate to the United States. For 10 years they were unable to apply for a visa due to their parents refusal to sign the financial waiver. In 1988, the Pisarevsky family applied for the visa, but was rejected on the 25th of January of that year based on the fact that he had had a secret job 11 years before. This refusal was also extended to his wife and son. Since then, he has applied again to the General Machine-Building Ministry and to the Commission on the Questions of Citizenship of the Supreme Soviet of the U.S.S.R. On the 11th of April he was refused once again.

Evgeny is presently working as a manager in a domestic tourist agency, waiting for the day when he will be permitted to leave. His wife has become an active member in the Jewish Women Against Refusal Group that has been relentless in its efforts to free Soviet Jews.

Although the Soviet Union is a signatory to the Universal Declaration of Human Rights which states, "Everyone has the right to leave any country, including his own, and to return to his own country," they have paid no heed to this document.

Secret jobs require a 10-year waiting period before consideration for emigration. This time period has expired, but Evgeny still remains a prisoner in his own land. Mr. Speaker, I wish to express my feelings of solidarity with the Pisarevskys and ask that my colleagues join me in urging the Soviet Union to allow free emigration for all those citizens they continue to hold captive.

PROUD OF SHENANDOAH ELEMENTARY SCHOOL IN CENTRAL FLORIDA

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. BACCHUS. Mr. Speaker, like all Americans, I am very proud of our courageous troops and deeply grateful that the war was waged successfully, quickly, and with few American casualties. Now that we have won the war, we must endeavor to win the peace. That includes bringing our troops home quickly and treating them with the respect and dignity they deserve.

I commend the students at the Shenandoah Elementary School in central Florida, who have already shown great pride in our country and in our soldiers through their class presentation. Mr. Speaker, it gives me great pleasure to call the attention of the House to the following remarks made by these bright students.

SHENANDOAH ELEMENTARY SCHOOL PRIDE IN OUR COUNTRY PARADE, FEBRUARY 15, 1991

Transcript of presentation by the classes of Mrs. Kathyrn Anderson and Mrs. Sylvia Ellis (grades 1–5).

INTRODUCTION

During the summer of 1787, 55 delegates met at Philadelphia and wrote a remarkable plan of government, our United States Constitution. The Constitution made the United States a nation. It is the shield of democracy under which Americans governed themselves as free people. Today, we respect the Constitution and our great country—America.—JEFF BRIMMER.

INDIVIDUAL STUDENT REMARKS

A.J. Palumbo (4th grade): I am proud to be an American because we have a Constitution that says that we have free speech.

Matthew Crofut (4th grade): I am proud to be an American. We are a great country because we are led by God.

Charles Willetts (3rd grade): I am glad to be free because I'm an American and I hope our men do well in the war.

Jeff Brimmer (4th grade): I'm proud to be an American because I have the right to choose my religion, school and church.

Roy Deaton (3rd grade): The thing I love most about being an American is that you can pick if you want to be in the Armed Forces. I want to be in the Air Force so I can take care of America.

Daniel Petty (3rd grade): The thing I love the most about being an American is our freedom and the way the National Anthem makes me feel.

Tray Hurn (2nd grade): The thing I love most about being an American is the freedom to go wherever I want to go and to just be me.

Lee Herman (2nd grade): The thing I love most about being an American is how beautiful our country is.

Willie May Collier (4th grade): I am proud to be an American because I am free to help others.

Hector Jimenez (5th grade): I am proud to be an American because I can go to school and learn.

Destin Stark (3rd grade): The thing I love about being an American is our President. He really loves us and I know I'm safe here.

Tim Wilson (2nd grade): The thing I love most about being an American is the American people because they are so nice to each other.

Delorise Hogan (5th grade): I am proud to be in America because I am free to dance and sing.

Chris Bidwell (1st grade): The thing I love most about being an American is that I can run and play with all kind of kids.

Brian Davis (5th grade): I am proud to be an American because I am allowed to go to my own school.

Glenn Brimmer (5th grade): In my country, we have freedom and liberty and I am proud to be an American.

Ronnie George (1st grade): The thing I love most about being an American is the Army. I like the Army. They keep me out of war.

Brian Sherron (3rd grade): The thing I love most about being an American is the Pledge of Allegiance and having choices.

Robert Burgos (2nd grade): The thing I love most about being an American is having all kinds of people in one country—even Spanish, like me.

Rick Hawkins (4th grade): I am proud to be an American because I am able to travel to many places.

Jennifer Johnson (4th grade): I am proud to be an American because I am free to become whatever I want to be.

LeAnne Ramsdell (3rd grade): The thing I love most about being an American is that I am treated equally to everyone else.

Eric Hester (1st grade): The thing I love most about being an American is our schools. Being an American makes me proud.

Tammy Graham (4th grade): I am proud to be an American. We have good men fighting for us.

Nicholas Prather (5th grade): Living in my country means we have the right to read, write, draw, say and go anywhere. This means freedom to me.

Angela Weekly (3rd grade): The thing I love most about being an American is that I have freedom and rights.

Closing: To all men and women fighting in the Middle East, you are heroes—you are the Wind Beneath Our Wings.

INTRODUCTION OF THE COMPREHENSIVE WETLANDS CONSERVATION AND MANAGEMENT ACT OF 1991

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to join my colleagues Mr. HAYES, Mr. RIDGE, Mr. TAUZIN, and Mr. ANTHONY in the introduction of the Comprehensive Wetlands Conservation and Management Act of 1991. We are introducing this legislation to provide a framework for resolution of the complex issues related to wetlands conservation and management. While there are aspects of this legislation that I am not entirely comfortable with, it is a compromise that may resolve the enormous failings of the section 404 program in the last several years.

This legislation is a complete overhaul of the 404 program. It starts by expanding the activities that require permits, while protecting traditional exemptions such as farming, ranching, and silviculture. It also recognizes that all wetlands are not of equal value and should not be treated the same. It divides wetlands into three classifications, with varying requirements based on the habitat, water quality characteristics, and flood control qualities of each wetland. This will overcome a significant shortcoming in the existing program by allowing greater protections for those high value wetlands while still allowing for economic growth in this Nation.

This legislation also recognizes that any wetlands program must respect the rights of private property owners. Since a large majority of the wetlands in the United States are privately owned, or have significant private property rights associated with them, it is important to recognize that if we protect a valuable wetland because the national interest is further, the Nation must be prepared to compensate the owner for the taking of private property interests.

The program also allows for States to set up statewide mitigation banking programs which will allow for improvement in overall wetlands values. This mitigation banking program allows credit be given for Federal land in protective status, if the State has less than 10 percent of the State's wetland resources. The bill also allows the States to take over management of the permitting process and to develop their own wetlands enhancement programs.

Mr. Speaker, this is far from a perfect bill, it will have to go through some significant changes as it moves through the committee process. However, this legislation is a much more complete and polished legislation than was H.R. 5968 in the last Congress. My colleagues and I have received literally hundreds of comments from all over the country. We have incorporated a number of improvements in this legislation as a result of those comments and would look forward continuing input as the legislation progresses. While I do not entirely endorse all aspects of the legislation that my colleagues and I are putting forward today, I hope it will facilitate a dialog that will allow us to move forward early in this Congress to address this critical problem.

A SPECIAL SALUTE TO PAUL MOULTON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. STOKES. Mr. Speaker, I am proud to rise today and salute Mr. Paul Moulton, who is retiring after 16 years of service with Storer Communications and the Gillett News Bureau. His outstanding efforts and dedication has been a valuable asset for Members of this body, our constituents, and the Nation. I am pleased to share with my colleagues a brief highlight of Paul's career.

Since the 95th Congress, Paul Moulton has been the chief cameraman for Storer-Gillett covering countless committee hearings and press conferences of the Hill. As a veteran cameraman, Paul has covered such monumentous events as the inaugurations of Presidents Carter, Reagan, and Bush. Through his expertise, viewers have learned of the events surrounding both the Democrat and Republican Conventions of 1980, 1984, and 1988.

From the Department of Agriculture to the Department of Veterans Affairs, Paul has been there camera in tow to present the real picture. Dozen of mayors and Governors have been in front of his lens during visits to Washington. From games at Robert F. Kennedy Stadium to ethnic festivals on the Mall, to solemn ceremonies at Arlington National Cemetery, there is little he has missed.

In addition to these outstanding achievements, Mr. Moulton was a pioneer in utilizing daily satellite feeds from Washington and he was among the first cameramen to make the transition from film to videotape.

Prior to his work in commercial television, Paul Moulton had a most distinguished military career. He served his country in both the Korean and Vietnam conflicts. As an army photographer, Paul Moulton traveled the world documenting historic military events, including the Korean truce signing and the TET offensive in Vietnam. The Defense Department archives are replete with Mr. Moulton's still pictures and films of military events from 1947 to 1970.

Mr. Speaker, I have enjoyed a close friendship with Paul over the years. His warm smile and friendly personality have won him countless friends. He is an outstanding gentleman, a talented cameraman, and a hard-working and dedicated individual. Those of us who represent districts and States served by the Storer-Gillett television stations owe a debt of gratitude to Paul Moulton. From early in the morning to late at night, he made it possible to communicate with our constituents. We will miss Paul and his skillful camera.

Mr. Speaker, I hope my colleagues will join me in wishing Paul the best of luck upon his retirement, and in the future.

NEW YORK TIMES LAMENTS FAILURE ON PUERTO RICO VOTE

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. FUSTER. Mr. Speaker, after 26 months of hard work by the three major political parties in Puerto Rico and by several committees in the House and the Senate, it appears that the process to bring about a congressionally sanctioned political status plebiscite in Puerto Rico has come to a halt. This is unfortunate and lamentable, because expectations among the people of Puerto Rico had been high to exercise their right to self-determination.

As such, Mr. Speaker, I want to share with my colleagues some wise words on this subject which appeared as an editorial in today's edition of the New York Times.

[From the New York Times, Mar. 7, 1991]

A REPUBLICAN BLOW AT PUERTO RICO

A preoccupied President Bush can be excused for ignoring the Senate's failure to heed a request for self-determination by the people of Puerto Rico. It is harder to forgive Republican members of the Senate Energy Committee whose obstinacy may well deny islanders an opportunity to vote this year on whether to seek statehood, continued commonwealth status or independence.

Seven Republicans joined with three Democrats last week to shelve legislation whose purposes have long been championed in Republican platforms and especially by Mr. Bush.

The obvious explanation is crassly political: many Republicans fear a Puerto Rican state would vote overwhelmingly for Democrats. But some members of both parties sounded an uglier note, questioning whether a Hispanic people would "blend in" if they became full citizens in a new state. This meanly slighted more than 15,000 Puerto Ricans who fought in Desert Storm.

To the hurt of insult is added the injury of cynicism. Opponents of the Senate bill say that Puerto Ricans can hold their own referendum, as long as Congress is free to ignore the results. A House bill passed in the last session, for example, would authorize a purely advisory plebiscite giving Puerto Ricans a choice between options whose meaning would later be defined by Congress.

Senator J. Bennett Johnston of Louisiana has labored diligently on a bill that would assure a meaningful vote. Doing so would honor a commitment to self-determination made to the United Nations by every President since Harry Truman.

Ignoring that pledge is the surest way of arousing latent nationalism among resentful islanders. In a warning signal, Puerto Rico's Senate voted Monday to make Spanish the island's sole official language, a largely symbolic portent. By giving Puerto Rico backburner treatment, Congress risks a frontburner mess.

THE CHALLENGES AHEAD

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. DWYER of New Jersey. Mr. Speaker, I would like to share an article written by Dr. Charles Covino, chairman and CEO of General Magnaplate Corp., of Linden, NJ. The article, which appeared in USA Today in January, follows:

THE CHALLENGES AHEAD

(By Charles P. Covino)

As we witness the sudden decline of communism, several questions arise. Have we oversold and exported capitalism too fast? Are we entering a period of political and economic freedom that will benefit all mankind, or will we see the Earth's dwindling supply of mineral resources consumed at a catastrophic rate as materialism becomes the goal of the people who once embraced communism?

The post-World War II years have been filled with global social and economic change. The doctrines of opposing ideologies have been promoted to or forced upon smaller, more vulnerable countries. We in the U.S. attempted to spread our democratic beliefs and pursue our economic goals. Meanwhile, the communists did everything imaginable to impose their ideology on those same nations.

At the same time, a profound communications revolution overtook the world, spurred on by the NASA space programs. With the launching and successful deployment of new telecommunications satellites, global communications became a reality. Television signals from the West, relayed via satellites, now are received in the Eastern Bloc and China. Where radio signals once had been jammed, people are being exposed, unhindered, to the ways of life in the West.

New communications technologies have done what all the Cold War efforts could not—turned Eastern Europe away from communism. Politically, these nations have opted for democracy. However, it appears that it is not capitalism per se that has attracted them. Rather, they have seen the things that capitalism makes possible—material goods. They want the cars, bicycles, stylish clothes, food varieties, and all the consumer goods they view on television. They, too, wish to participate in the Western world's "supermarkets syndrome," where they can purchase endless quantities of everything.

Technology suddenly has catapulted almost the entire world into the 21st century! Seeing is believing. This is what less privileged, subjugated peoples are experiencing. Events and luxuries they previously only had heard about are happening before their eyes.

Seeing also is desiring. The result is a new "global materialism" that has been a major contributor to the collapse of the Eastern Bloc.

Yet, most of us never have taken the time to comprehend the potential realistic cost this emerging freedom to export our way of life. The price of freedom ultimately will be a shortage of food and raw materials—a damaging wound that will scar all the nations on this planet. Our children will have to pay the price for our reckless use of such irreplaceable mineral and material resources as primary metals (iron, copper, aluminum); strategic metals (chromium, cobalt, manganese); energy sources (oil, coal, natural gas); wood and wood by-products (lumber, paper); and hydrocarbon feedstocks (used to make plastics).

Both the Soviet Union and the U.S. have challenged each other throughout the world in a power struggle based primarily on ideology. In so doing, they have expended many of these irreplaceable minerals on battleships, submarines, aircraft, guns, and munitions—products that do not contribute any real benefit to mankind. Billions of dollars have been spent that should have created housing, clothing, transportation infrastructure, or a cure for cancer. Vital, irreplaceable materials and foodstuffs are wasted through overfarming and poor soil conservation. Meanwhile, we have not learned how to deal with mounting accumulations of garbage and toxic waste.

Now is the time for the capitalists and communists to assess the real damage they have done. They have shortened the timetable for a series of new, and probably irreversible, global problems, including depletion of mineral and metal sources; overfarming for food production; soil erosion and loss of timber and oxygen-producing forest; over-fishing the oceans and rivers; and a complete disregard for the environmental and social implications this rapid technological growth has induced.

MATERIALISTIC DEMOCRACY

The world rapidly is reshaping into a new form of society that can be termed "materialistic democracy." Spurred on by the choice of high-tech lifestyles, the people will, for a period of time, have the freedom to reshape their governing ideologies. Each newly formed political structure gradually will transform into a system that conforms to local needs and demands.

The end result, though, is clear and inevitable. While we finally have exported capitalistic freedom and convinced the world that we enjoy the best form of political structure, the real price to be paid will be the depletion of material resources. In addition, burdensome monetary needs will arise as the newly formed capitalistic nations start to produce more consumer products and food. The shift from socialism to materialistic democracy will take time, money, and a major effort to solve the problems brought about by this new society.

There is much to do. For example, the Earth has only so much chromium for use in hardening iron and steel, and our major resources are in South Africa and the Soviet Union. Another important basic metal used in hardening steel is cobalt, the major resources of which are in Africa, Canada, and the Soviet Union. Tantalum, manganese, vanadium, and many other rare earths are not found anywhere on the globe in large deposits.

Mankind has a limited supply of all forms of minerals as well as arable soil. The Earth's crust is not capable of creating more. If we waste and deplete these vital metals, minerals, and soils, how will our children be able to enjoy the luxurious lifestyles of today?

Factor into this problem the reality that we will be adding some 2,000,000,000 more people into the equation over the next 20 years. We then will consume at a pace even faster than today such goods as television sets, cameras, appliances, refrigerators, fast foods, cars, bicycles, basic food production machinery, paper, and plastic products. The supply challenge will be insurmountable. Yet, unless these demands are met, we will face the real possibility of wars and global unrest.

The message is unmistakable. We all will have to do our part to help avoid these dire predictions. In the long run, we must find and develop non-polluting sources of limitless energy that can enable us to defeat waste by recycling. Conservation of scarce materials is a necessity for mankind to survive in the 21st century.

The corporate world can and must play a vital role in handling the consequences of global materialism. International organizations such as Exxon. Shell, Mitsubishi, Ford, General Motors, Phillips, and Sony are forming new joint ventures. Through the combined research efforts of these large-scale global companies, new components will have to be generated in order to help stabilize the supply and demand for strategic materials in the new capitalistic consumer nations.

This is a mission we can not afford to ignore, for, in the rush to improve their lifestyles, people of the emerging nations will demand the luxuries we enjoy, no matter the cost to the planet's resources. We can not blame them, since we are responsible for exporting the freedom and capitalism that have made these luxuries possible.

A TRIBUTE TO SGT. ALAN CRAVER

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SANTORUM. Mr. Speaker, I rise to pay respect to the life of Sgt. Alan Craver, of Penn Hills, PA. Sergeant Craver was among the members of the 14th Quartermaster Detachment killed by the tragic Iraqi Scud missile attack on Saudi Arabia last week.

An avid outdoorsman known to many of his friends as Mer—a shortened version of that famous outdoorsman Elmer Fudd—Sergeant Craver was also a well-liked reliable serviceman who thrived on competiton, aimed for excellence, and loved his work. As a chemical operations specialist, Sergeant Craver carried one of the most essential and high pressure assignments in this conflict, since his responsibilities included preparing his unit for the threat of a chemical weapons attack.

Sergeant Craver served with the same diligence and professionalism in his civilian duties, which most recently entailed safety supervision at one of the Pittsburgh area's most important building projects, the construction of a new terminal at Greater Pittsburgh International Airport.

A charter member of his unit since its establishment in 1988, Alan Craver exemplifies the dedication without which our Nation could not defend the cause of freedom. His life and his death have reminded me of the costly commitments that go hand in hand with the privilege of being Americans. May we who govern this Nation act in the same spirit as those, like Alan, who were ready to give their lives on its behalf.

INTERNATIONAL WOMEN'S DAY

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SWETT. Mr. Speaker, tomorrow we will celebrate International Women's Day, the origins of which date back to March 8, 1857. While celebrating the great strides that women have made over the last century, we must also remember that those advances primarily have been limited to the Western World. Many hurdles still remain to be overcome. Sex discrimination is prevalent worldwide—most countries do not grant women what we in the United States regard as basic human rights. In many countries, women are denied the right to own property and, in several instances, are prohibited from being able to divorce. They are refused services such as child support and, perhaps most importantly, the right to vote.

On this day, however, it is important to not only pass judgment on the outside world, but also to examine ourselves domestically, and to recognize that many injustices to women are occurring right here at home. In 1958, Eleanor Roosevelt stated:

> Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any maps of the world * * * Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere.

As women continue to receive less pay than their male counterparts for comparable work, and with sex discrimination still very much a fact of life in the workplace, today's American woman continues to fight for equality.

Mr. Speaker, I am pleased to note that some international organizations such as AID are beginning to realize that women's programs must receive more attention. Because women and children comprise 90 percent of all refugees, it is crucial to develop programs which are tailored specifically to help them. However, it will not be sufficient to simply include women in these programs—we must also promote qualified women, who already hold positions in such organizations.

Mr. Speaker, last year we recognized the Year of the Girl Child. In recognizing the importance of the girl child, we cannot ignore and must confront the barriers that block the full integration of women into today's modern world. We must not accept the argument that local variations in culture and teachings around the world can be allowed to prevent the universal advancement of women.

If education were to become a higher priority, some of the barriers to women would gradually crumble. As we look toward the next generation, education must be placed higher on our list of priorities—in our own country, we must promote the education of all U.S. citizens.

Mr. Speaker, International Women's Day provides us with an opportunity to note the outstanding progress that women have made, as well as to emphasize the enormous barriers to women's progress which still must be torn down. I urge my colleagues to continue to fight for international integration and equality for all women.

IMPROVING THE FLOW OF INFORMATION FROM OLDER AMERICANS ACT GRANTS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. DOWNEY. Mr. Speaker, today, I am introducing legislation to improve the operation of title IV of the Older Americans Act: Training, Research and Discretionary Projects and Programs. Just last September, the Subcommittee on Human Services of the House Select Committee on Aging, of which I am chairman, held a hearing to evaluate the extent to which the Older Americans Act was meeting its goal of expanding the Nation's knowledge and understanding of aging.

Title IV has a central role in supporting training, research and demonstration efforts under the Older Americans Act. Authority for training and research under the act has existed since passage of the original legislation in 1965. The 1969 amendments added authority to conduct demonstration projects under title III of the act. Over the years, this authority has been incorporated into title IV and expanded, outlining additional areas to assist victims and families of Alzheimer's disease, national legal assistance support projects, health education, consumer protection, and many others.

The awarding of discretionary grants is one of the main ways individuals and organizations outside the formal aging network have access to the Administration on Aging and can influence program practice. The Commissioner on Aging is authorized to award funds to support projects that would demonstrate innovative methods to expand or improve supportive or nutrition services to the elderly or otherwise promote their well being.

Until the hearing last September, it had been almost two decades since any specific attention was paid to the accomplishments of title IV. In calling this hearing, Mr. Speaker, I hoped to highlight this important program and determine whether any issues ought to be raised when Congress reauthorizes the Older Americans Act later this year.

At the request of the Subcommittee, the U.S. General Accounting Office conducted a study of the dissemination of research and demonstration results undertaken under Title IV of the Older Americans Act. The results of the GAO study were very interesting: First, the U.S. Administration on Aging does not currently systematically disseminate research information, or monitor its dissemination; second, State agencies on aging learn of research and demonstration results from a variety of sources; third, States believe better dissemination efforts by the U.S. Administration on Aging would help to improve State aging program operations; fourth, State agencies report that they frequently use program results in adapting their own programs.

I think everyone would agree with the statement of Mr. Joseph Delfico, Director of Income Security Issues, Human Resources Division of GAO, when he said, "The results of title IV projects are of little use if agencies serving the elderly do not have access to them in a readily usable form."

The legislation which I am introducing today would require the Commissioner on Aging to issue an annual report providing information on projects completed under title IV. In addition to an abstract of project results and a bibliography of any published material resulting from individual grants, the report would provide information on who carried out the research and where additional information could be obtained.

Mr. Speaker, I am mindful of the budgetary constraints facing us this year, and I am confident that this is a low-cost and cost-effective way to start to improve the dissemination of research relating to social services and older Americans. I urge my colleagues to support this legislation.

H.R. —

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

SECTION 1. AMENDMENT.

Section 433 of the Older Americans Act of 1965 (42 U.S.C. 3037b) is amended by adding at the end the following:

"(c)(1) In addition to satisfying the requirement specified in subsection (b), the Commissioner shall prepare and publish for each fiscal year a report describing each project—

"(A) for which funds were provided under this title; and

"(B) that was completed in the fiscal year for which such report is prepared.

"(2) Such report shall include—

"(A) identification of such project by its name or descriptive title;

"(B) the name and address of the person or governmental entity that conducted such project;

"(C) specification of the period throughout which such project was conducted;

"(D) identification of each source of funds expended to carry out such project and the amount of funds provided by each such source;

"(E) an abstract describing the nature and operation of such project; and

"(F) a bibliography identifying all published information relating to such project.".

SEC. 2. EFFECTIVE DATE.

This Act and the amendment made by section 1 shall take effect on October 1, 1991.

JOHN SHERMAN COOPER: THE GENTLEMAN FROM KENTUCKY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. MAZZOLI. Mr. Speaker, Kentucky, the Nation, and the entire world suffered a loss with the death of the Honorable John Sherman Cooper of Kentucky.

I was honored to have taken part in the special order held in the House on March 5, 1991.

Following are the remarks I delivered in Senator Cooper's behalf during the special

order and articles from the Louisville Courier-Journal which portray in rich detail the remarkable and productive career of this "Gentleman from Kentucky."

[From the CONGRESSIONAL RECORD]

Mr. MAZZOLI. Mr. Speaker, I want to thank my friend from the Fifth District, HAL ROGERS, for yielding this time and for also accommodation all of us to the peculiarities of our schedules. Certainly we all rise in memory of one of the greatest Kentuckians of all time and one of its greatest political figures, John Sherman Cooper.

Just a moment ago my friend from the Fifth District said it is hard to find the words because there are so many different words that could be used to describe Senator Cooper. Let me try these few on for size: the gentleman from Kentucky.

If there were even a human being who was more a gentleman in every connotation of that word, it was John Sherman Cooper.

He was tall, he was elegant, he was quiet, he was well spoken, he was very thoughtful, and he was very decent as a human being.

He always cared about the other people. It was not his own welfare but everyone else's that motivated him, really.

And as I told my friend from Kentucky at other times, the particular vignette that I would like to leave—and I hope to come back to the later part of this special order—but in 1971, when I first was sworn in as a Member of this body over at room 2237 in the Rayburn Building, where we had our swearing-in reception, my friends were there, my family was there, my mother-in-law was there, among other people. Through this doorway walked this distinguished, dignified figure, John Sherman Cooper. Not of the same party, a person for whom the world was a stage. I was, you know, a person just from a very small area of our commonwealth. He was a person who had been Ambassador, had been Senator, had been delegate to various conventions on behalf of this Nation.

Into this reception came John Sherman Cooper. And I to this day—and it has been over 20 years ago—have never been able to forget that, and I never want to forget it because it reflected in one capsule the kind of human being that John Sherman Cooper was.

He was thoughtful, decent, he cared about all members of the delegation regardless of our political affiliation. But his love of Kentucky and his gentleness, which meant that in fact he was able to represent Kentucky whether he represented Kentucky in Pulaski County, which was his own county, or whether he was representing Kentucky in Berlin when he was Ambassador or whether he represented Kentucky in New Delhi when he was Ambassador to India or whether he represented, right here on Capitol Hill, John Sherman Cooper was the quintessential "gentleman from Kentucky."

So I want to thank the gentleman from Kentucky, my friend Hal Rogers, who represented the other gentleman from Kentucky for so many years; he was his representative for years as well as his friend and confidant.

In that setting, he probably more than any member of our delegation has been closest to him. All of us share the grief and the sorrow that Kentucky and the country experience in the loss of this great human being.

I want to thank my friend for having this special order. I hope to be able to return to perhaps engage in more reminiscences, but suffice it to say, sorrowfully enough, we have to say there has been in history and there will be in history but one John Sherman Cooper.

My formal remarks about the Honorable John Sherman Cooper are as follows:

JOHN SHERMAN COOPER: THE GENTLEMAN FROM KENTUCKY

"The gentleman from Kentucky"—is the terminology we use here in the Chamber when we debate among ourselves. But, it is an appellation most appropriately attached to the late Senator from Kentucky, John Sherman Cooper.

I am proud to join with my colleagues in celebrating the life and career of a man whose more than 40 years in public service to his State and country were exemplary and a shining example of public service at its finest.

Citizen, soldier, Senator, Ambassador, statesman—John Sherman Cooper was all of these and more. He was also a kind, gentle, thoughtful and decent man.

His way was never to draw attention and accolades to himself despite his many accomplishments in many roles. His way was simplicity, self-effacement, understatement and humility. He was a rare and gracious man.

John Sherman Cooper began his career in public service in the Kentucky House of Representatives representing his hometown of Somerset in Pulaski County. He then served two terms as county judge of Pulaski County. He enlisted as a private in the Army during World War II, and was discharged a captain. His first experience in international diplomacy was a legal adviser restructuring postwar Germany's judicial system.

Senator Cooper's service in the U.S. Senate may be unique. He was twice elected to complete unexpired Senate terms, only to be defeated in reelection bids. While out of the Senate and before he began his two consecutive full terms there—1960 to 1972—Senator Cooper was a delegate to the United Nations and United States Ambassador to India.

Two years after his retirement from the Senate in 1972, Senator Cooper became our Nation's first Ambassador to the German Democratic Republic—the former East Germany. Our Nation's prestige could not have been more ably served nor protected than in the diplomatic service of John Sherman Cooper, the gentleman from Kentucky.

Senator Cooper was a highly principled, independent thinker. He often took positions that were at odds with the majority of his party. He was one of the first to openly criticize Senator Joseph McCarthy's anti-Communist crusade. And, during the late 1960's, with the Vietnam war tearing at the very fabric of this Nation, Senator Cooper was an architect of legislation to limit combat activities of the U.S. military in Southeast Asia.

I remember, too, how gracious and courteous Senator Cooper was to me when I arrived here in the House of Representatives in 1971. He honored me by attending my reception in 2237 Rayburn Building on the day of my swearing in. My family and I were all thunderstruck—pleasantly so, of course—when through the door walked that tall, distinguished figure so well-known back home and around the world.

He talked to me, my family and my friends with the same genuineness and attention that, no doubt, characterized his contacts with the high and mighty of the Nation and the world. I could never—and will never—forget this great favor to my family and me.

John Sherman Cooper lived a full life—full of achievements and full of its inevitable disappointments. He remained to the very end of his life vitally engaged in efforts to help the less fortunate and to build a better world.

Senator Cooper would often admit that his oratorical skills were not outstanding. But, his clarity of thought, the depth of his conviction, and the absolute sincerity of the man were, indeed, outstanding. These attributes and these characteristics earned John Sherman Cooper the great respect and admiration he enjoyed in the Commonwealth and all over the world.

John Sherman Cooper's life and career in Government service, are models for all in public office to emulate.

In honoring Senator Cooper at the time of his retirement one of his fellow legislators said:

"John Sherman Cooper is the only man I have known who has traveled the spectrum of social and political life and left only dignity, honor and respect wherever he walked."

All Kentuckians feel a special sadness over the loss of this great man and great servant of the people. I join my colleagues in expressing deepest condolences and sympathies to Senator Cooper's brother, Richard, and to the Cooper family.

[From the Courier-Journal, Feb. 23, 1991]

STATESMAN RENOWNED FOR HIS INTEGRITY IS DEAD AT 89

(By Bob Johnson)

Former U.S. Sen. John Sherman Cooper, the most popular and respected Kentucky Republican of the post-World War II era, died Thursday in Washington. He was 89.

Cooper died "naturally and quietly in his sleep" at 4:30 p.m., said his physician, Dr. Jerry M. Earil. Earil listed the cause on the death certificate as cardiac arrest. In an interview, Earil said Cooper was not ill and essentially died of old age.

Cooper, a veteran of World War II, will be buried next to his wife, Lorraine, in Arlington National Cemetery. The funeral will be at 11 a.m. Wednesday at the cemetery chapel. Visitation will be 6 to 8 p.m. Tuesday at DeVol Funeral Home, 2222 Wisconsin Ave., in Washington.

Former President Gerald Ford praised Cooper yesterday, saying through an aide that he "was one of America's outstanding legislators and diplomats in the post-World War II period."

Cooper, who served as U.S. ambassador to India and East Germany, served 20 years in the Senate, where he established himself as one of its most influential members, especially on foreign affairs.

Soft-spoken and gentle, reflective and sometimes given to mumbling, Cooper was not a great orator. Colleagues said his persuasive powers stemmed from his reputation for integrity and sound judgment.

"I've tried to vote my own convictions," Cooper once said. "Of course, that's what everyone says. I don't say you don't slide back now and then."

Cooper's reputation was such that he was named to the Warren Commission, which investigated the assassination of President John F. Kennedy. Although doubts multiplied about the commission's findings that accused assassin Lee Harvey Oswald acted alone, Cooper concluded there was no point in reopening the investigation. He said the commission's findings were correct, although he acknowledged the investigation had not been as thorough as it should have been.

During their years in the Senate, Cooper and Kennedy were close friends. Kennedy and

his wife, Jacqueline, frequently dined with the Coopers at their Georgetown home. Shortly after Kennedy won the presidency, Cooper quietly undertook a fact-finding mission for him in the Soviet Union.

In Washington, Cooper was as popular as he was respected. His wife, Lorraine Rowan Shelvin, whom Cooper married in 1955, was one of Washington's social leaders. Their names appeared regularly in the social columns. Lorraine Cooper, who died in 1985, wrote a column about life in Washington that ran in about 50 Kentucky papers.

A political moderate, Cooper supported such presidential hopefuls as Pennsylvania's Gov. William Scranton in 1964, when Arizona Sen. Barry Goldwater was nominated, and Sen. Howard Baker of Tennessee in 1980, when Ronald Reagan emerged as the nominee. Cooper served several times as chairman of the Kentucky delegation to GOP national conventions.

During most of his Senate career, Cooper was teamed with two other Kentucky Republican senators—Thruston B. Morton and Marlow W. Cook, both of Louisville. It was an era of unusual political strength for Kentucky Republicans. They carried Kentucky in four or five presidential races, won six consecutive races for the Senate and held the governor's chair for four years under Louie Nunn.

Although Kentucky is heavily Democratic state, Cooper proved to be one of the state's most popular political figures.

He was born Aug. 23, 1901, to a politically prominent family in Somerset. His father, for whom he was named, was a lawyer and farmer who served as Pulaski County judge, a position Cooper himself would hold.

Cooper attended Centre College and then Yale, from which he graduated in 1923. He graduated from Harvard Law School in 1925.

After a term in the Kentucky House of Representatives and two terms as Pulaski County judge, Cooper ran for governor in 1939 but was defeated in the GOP primary by King Swope, who had been the party's nominee in 1935.

World War II interrupted Cooper's political career. He enlisted as an army private in 1942 and was commissioned a second lieutenant in 1943. He rode with Gen. George Patton's Third Army, seeing action in five campaigns and winning the Bronze Star.

During the war, Cooper married Evelyn Pfaff, an army nurse from Portland, Ore. They divorced several years later.

After the war, Cooper stayed in Germany as a legal adviser to the military government. He received a citation for reorganizing Bavaria's courts and helping to repatriate thousands of displaced persons.

Discharged a captain in February 1946, Cooper returned to Pulaski County, where he was elected circuit judge. Later that year he won a special election to the Senate to fill out the term of Democrat A.B. "Happy" Chandler, who had resigned to become baseball commissioner.

EARLY STRUGGLES

Cooper's Democratic opponent in the 1946 election was John Y. Brown Sr., whom he defeated by just over 40,000 votes. But Cooper, who faced a decade-long struggle to establish himself in state politics, was unable to hold the seat. In the race for a full term in 1948, he lost to Democrat Virgil Chapman by just under 25,000 votes.

Chapman died in office two years later. Cooper ran in 1952 to fill the vacancy, defeating Democrat Tom Underwood of Lexington, who had been appointed to the seat by Gov. Lawrence Wetherby.

Again, Cooper was unable to hold the seat. In 1954, former Vice President Alben Barkley, who had served in the Senate for 20 years before his election as vice president, reclaimed his seat, defeating Cooper by nearly 70,000 votes.

The defeat was Cooper's worst; it would also be his last.

After serving as President Dwight Eisenhower's ambassador to India, his first diplomatic post, Cooper returned to Kentucky in 1956 to make another bid for the Senate, running again for a partial term.

Barkley had died that spring, and Wetherby, having completed his term as governor, sought to succeed him. There was another election that year: U.S. Sen. Earle Clements, a former Democratic governor, was seeking a second term.

But the combination of Eisenhower's coattails and the quiet support of Democrats aligned with Chandler, who was serving his second term as governor, produced GOP victories in both Senate races.

Cooper defeated Wetherby by more than 65,000 votes, while Morton won his first term in the Senate by beating Clements, a powerful figure in the Democratic leadership, by just under 7,000 votes in what was the closest election in the nation that year.

The victory gave Cooper that seat he held until he retired in 1972. He disposed of former Gov. Keen Johnson in 1960 by nearly 200,000 votes, and in his last campaign six years later, Cooper won re-election to the Senate by 217,000 votes.

When Cooper retired in 1972, Nunn sought to hold the seat for the Repubicans but lost to Democrat Walter "Dee" Huddleston.

As they did throughout his career, Kentucky Republicans hoped Cooper would run again for governor, but he declined.

The Watergate scandal was beginning to erupt around President Richard Nixon at the time of Cooper's retirement. Cooper, who described himself as "depressed and worried" about it, called the scandal "criminal, immoral and stupid."

But he predicted the disclosures and the resulting prosecutions could lead to healthy changes.

Cooper's interest in foreign affairs was whetted when, after World War II, President Harry Truman named him a delegate to the United Nations' General Assembly in 1949. In addition to his service in India, Cooper was the country's first ambassador to East Germany. He was appointed to the post by President Ford in 1974. Cooper had served on the Foreign Relations Committee in the Senate.

AN INDEPENDENT STREAK

One of the early opponents of expanding the Vietnam War, Cooper led the successful fight for passage of the Cooper-Church Amendment in 1970, which limited U.S. involvement in Cambodia. He also spoke frequently of the need to limit the spread of nuclear weapons and supported the 1969 nuclear non-proliferation treaty.

Cooper had an independent streak and was more liberal than many Kentuckians. As a judge in Pulaski County he insisted that black residents serve on juries, and he was an early opponent of discriminatory laws.

Cooper's positions were frequently ahead of public opinion in Kentucky. When first elected to the Senate, he supported federal aid to education, although it wasn't enacted until 1965. He also supported Medicaid and Medicare in the face of strong opposition from Kentucky politicians.

In a 1983 interview, Cooper said he "got away with some things" because he was a Republican. If he had been a Democrat, he said, there would have been more pressure to go along with the pack.

While not much of a speaker, Cooper frequently related anecdotes about himself that revealed a gentle, self-deprecating sense of humor. One story told the problems he had starting a law practice after graduation from Harvard.

As Cooper told it, a long-time friend came to him with word that someone had backed into his car.

"'He's got insurance and admits he was at fault,'" Cooper recalled the man saying. Cooper said he immediately envisioned an open-and-shut case, with fee attached.

"'Now, John,'" he said the man concluded, "'we've been friends a long time and I want you to be honest with me—where can I get myself a good lawyer?'"

Cooper lived in Washington after his retirement, where he was associated with the law firm of Covington and Burling, one of Washington's largest. He returned to Kentucky from time to time to make political appearances, including several at the annual Fancy Farm political picnic. In October 1987 he was honored at a Frankfort ceremony when his bust was placed in the Capitol.

Trudy Musson, a former Louisvillian who was a longtime aide to Cooper, said he had gone for a car ride Thursday morning and died during an afternoon nap at his apartment in a Washington retirement home.

While frail and hard of hearing, Cooper remained active until the end, she said. Wednesday morning he attended a Senate prayer breakfast on Capitol Hill, and last Sunday evening visited Washington Post board chairman Katharine Graham, Musson said. In November he went to Somerset. "He was going around seeing people and doing things," Musson said.

Cooper had no children. Of his four sisters and two brothers, only Richard E. Cooper of Somerset survives.

[From the Courier-Journal, Feb. 28, 1991]

COOPER CELEBRATED IN SIMPLE SERVICE AS SHOWING "TRUE MARKS OF GREATNESS"

(By Mike Brown)

WASHINGTON.—The life of former Sen. John Sherman Cooper was celebrated yesterday in a simple funeral that he himself helped plan, complete with instructions that there be no long eulogy.

More than 300 people, from former Senate colleagues to former helpers in his Washington home, crowded into an Army chapel next to Arlington National Cemetery to offer thanksgiving for the soft-spoken, self-effacing man who, said the Rev. Canon Sanford Garner, "left the world a richer and more humane place."

Cooper, a Kentucky Republican who gained national respect during a long career as a senator and as ambassador to India and East Germany, died Thursday at age 89 in a retirement home in Washington's Georgetown neighborhood.

After the half-hour funeral, which included the singing of "My Old Kentucky Home" and "America the Beautiful," Cooper's flag-draped coffin was taken by horse-drawn caisson to a burial plot near the Tomb of Unknowns in the national cemetery overlooking the Potomac River and Washington.

There, with a full military honor guard, Cooper's body was laid to rest next to that of his wife, Lorraine, who died in 1985. The tombstone notes his home state and his World War II service as an Army captain but none of his government positions.

In the chapel at Fort Myer, which adjoins the cemetery, Garner said the "senator was,

as you know, a very particular and determined man," and had left detailed instructions about his funeral—where it was to be held, what was to be read, friends whom he wished to attend, and what he wanted from Garner: "a short statement, not laudatory."

But Garner, asking Cooper's forgiveness, did not fully comply. "I must add, Sen. Cooper, you demonstrated the true marks of greatness," he said.

"You loved God and His church. You loved your family and your parents. You loved and served your country. You loved and respected and cared for the least and the lowest in God's world," said Garner, who is now interim provost of the Washington National Cathedral but used to be rector of the Episcopal church in Washington that Cooper frequently attended.

Cooper, however, was a Baptist and always remained a member of the First Baptist Church in his hometown of Somerset, a fact that its pastor, Dr. Robert Browning, said the senator had wanted noted at his funeral.

Browning told the congregation that Cooper visited him in the fall of 1988 to talk about his funeral, and that the conversation stretched into a discussion of Cooper's public career. From their talk, Browning said, he distilled these points:

1. Always vote your convictions and be willing to pay the price.
2. Above all, the honorable.
3. Answer criticism, if it is constructive.
4. Constructive criticism will keep you humble.
5. Earn the trust of people by letting them know you want the best for them.
6. Work hard. You will always wish you had done more.
7. Cultivate a sense of humor.
8. Spiritual matters are the most important matters. They're permanent.

Cooper, Browning said, was the best example of "a faithful steward of influence and power. Truly, he made power a healthy word."

At Cooper's request, Browning recited lines from the hymn "Amazing Grace," which was sung at the funeral of Cooper's father.

Garner read two of Lorraine Cooper's favorite Bible passages: John 15, verses 12 and 13 ("This is my commandment, that you love one another as I have loved you. . . .") and Romans 12, verses 9–13 ("Let love be genuine; hate what is evil, hold fast to what is good. . . .").

The third speaker, the Rev. William Hague, former assistant rector of Christ Episcopal Church, which Cooper attended in Washington, read another of the senator's requests, Lord Tennyson's "Crossing the Bar."

The poet ask that there be no sadness at his death and ends with "I hope to see my Pilot face to face/When I have crossed the bar."

Hague said, "I believe that John Sherman Cooper will see his Pilot."

Among those attending the service were former Sens. Howard Baker, R-Tenn.; Mike Mansfied, D-Mont.; Charles Percy, R-Ill.; and Charles Mathias, R-Md.

In addition to the state's congressional delegation, other current lawmakers present included Sens. Ted Stevens, R-Alaska; John Chafee, R-R.I.; Edward Kennedy, D-Mass.; Strom Thurmond, R-S.C.; Larry Pressler, R-S.D.; and Daniel Patrick Moynihan, D-N.Y.—who, like Cooper, is a former ambassador to India.

Gov. Wallace Wilkinson, who appeared before a House appropriations subcommittee earlier in the day to urge continued funding of the Appalachian Regional Commission, was there, as were former Govs. Louie Nunn and Edward Breathitt.

Numerous people who had worked for Cooper in the Senate were there, including Sue Lewis, Bailey Guard and U.S. District Judge Ronald Meredith. Longtime aide and friend Trudy Musson, who helped arrange the service, sat at the front of the church with the senator's brother, Richard Cooper, his wife, Cornelia and other members of the Cooper family.

SUPPLEMENTAL ASSISTANCE TO ISRAEL

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. WEISS. Mr. Speaker, I rise in strong opposition to all amendments that would reduce the $650 million in emergency assistance to Israel to help meet the substantial security costs it has incurred during the Persian Gulf crisis. This assistance is crucial if Israel is to strengthen its defenses so it can protect itself. As Saddam Hussein's brutal aggression has shown, the threat against Israel is real and immediate.

During the course of the gulf war, Iraq launched 39 Scud missiles at populated Israeli civilian centers, resulting in over 200 casualties and 2 deaths, not counting the 12 people who died from heart attacks and suffocation associated with the missile attacks. Additionally, nearly 700 people were treated for shock and mistaken atrophine injection, an antidote for chemical weapons.

Iraqi missiles damaged or destroyed over 8,000 homes and apartments, leaving nearly 1,700 Israeli familes homeless. Further, random Iraqi missile attacks caused the closure of schools, lost business production, and an exodus away from Israel's populated coastal region.

In addition to suffering more damage and casualties per capita than any other front line state in the gulf war, Israel has incurred billions of dollars in increased defense costs as a result of the heightened state of alert her defense forces have been under since August 2. Israel's Air Force, civil defense, ground units, and reserve military units have been mobilized, activated and deployed, and vital intelligence activities have intensified. Four million gas masks have been distributed to every Israeli citizen.

Israel's economy has been stretched to the limit in an effort to meet its defense needs as it simultaneously grapples with what many expect to be a $42 billion cost of absorbing close to 1 million Soviet Jews. Since August 2, Israel has passed two supplemental appropriations bills totaling almost $400 million and raised its already high tax rates significantly to meet increased defense and immigration absorption needs.

Israel has made a vital contribution to the coalition efforts in the gulf by showing restraint in the face of Iraqi attacks. Like the other front line states, including Turkey, Egypt, and even Jordan, who have received more than $20 billion in assistance from the international community, Israel deserved supplemental aid.

Although Israel has received financial and in-kind support from Germany, this assistance falls far short of what Israel needs to keep its defenses strong enough to defend itself sufficiently. Because Israel depends on its friend and ally the United States for financial aid, it is imperative that we include in this legislation $650 million in emergency supplemental assistance for Israel. I strongly urge my colleagues to defeat any amendments seeking to reduce this assistance.

ISAIAH AVILA: WE HAVE LOST A GREAT MAN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, last month, the people of Fall River, MA, suffered a grievous loss. Isaiah Avila, known to almost everybody in the Greater Fall River area as "Minnesota," was an object lesson to all of us in the Greater Fall River area in what it means to be a good man and a good citizen. Isaiah Avila performed more genuine acts of charity in a month than most people perform in their lifetimes, and he did it without an ounce of sanctimony or in any way giving people the appearance that he was conferring some benefit on them. He helped people because he loved people and it seemed never to occur to him that he should be anything but a source of decency, generosity, and warmth to everyone he came in contact with.

People aren't supposed to be perfect, but as far as Minnesota was concerned, editor Bernard Sullivan of the Fall River Herald News spoke for the entire city when he said in a recent column, "last week, Isaiah Availa did the only mean thing he ever did. He died and left us to weep and mourn."

Mayor Daniel Bogan of Fall River was one of many people who mentioned to me how appropriate it would be for me to memorialize this enormously good man in the CONGRESSIONAL RECORD. At a time when many people in this country are lamenting a lack of a sense of community, we who know Fall River can offer the example of Isaiah Avila as one that is well worth emulating.

ISAIAH AVILA: WE HAVE LOST A GREAT MAN

He said his dream was to be a minister, but his sixth-grade education wasn't enough.

He was wrong. Very wrong.

Isaiah Avila's sacerdotal mission had no need of book learning. It rested on the rock-solid and simple admonition that we should love our neighbor with no questions asked and no expectation of any earthly reward in return. Fairly direct. Easy to understand. Not, however, easy to do.

Bertrand Russell said, "So far as I can remember, there is not one word in the Gospels in praise of intelligence."

Ah, but there is much in praise of love.

And the big and generous heart of this little man had the market cornered on that commodity.

Isaiah was perhaps the only true prophet this city has seen for some time. He exemplified the preacher bringing the good news of God's love for all His people. Isaiah was the quintessential priest without portfolio. He

was a minister without benefit of ordination, but with a mission that must have come directly from God. He was more important and spiritually successful than many clergymen bedecked in expensive robes and a tiara. Isaiah, however, wore the simple garb of the poor, and his only tiara was a gray cap with the three-line message, "We Love Children," worn above a smile that was both magical and mystical and a magnet for those of us who had the honor of knowing this kind and gentle man.

* * * where he found the sick of body.

He delivered a sermon each time he hugged and kissed a sick child and promised the youngster that God would heal what seemed beyond the power of any doctor to cure.

He preached at the kitchen table of many of the cold-water flats of the city's three-deckers where he sought out the lonely. He shopped for their groceries and shoveled their driveways and brought them to a doctor's appointment when they were too sick or old to drive themselves.

Last week, Isaiah Avila did the only mean thing he ever did. He died and left us to weep and mourn.

I had the honor of speaking at a testimonial for Isaiah in January. It was a singular honor that I will treasure for a lifetime.

Isaiah was living proof that real power and influence comes not from money or a position of worldly influence but from the simple example of selfless love.

He was brought up in a foster home and didn't know of Christmas until he was 15. He lived to bring love to hundreds of the city children and made Christmas a real and moveable feast.

Humans have accumulated knowledge at an amazing rate, but humanity has not been able to use this vast knowledge to improve the world, to bring it peace and boost its quality of life.

This humble man, however, has improved the lives of all he touched with his kind and generous heart. He brought peace to the troubled and made the city more conscious of its obligation to care.

You want a real success story?

Look to this man.

He had nothing in the way of worldly goods. He was a retired millhand, yet he had more influence in this community than any of its millionaires or moguls of the board rooms or power brokers of the political scene.

His beloved Eliza, his wife and companion, has promised to keep up his work of charity and kindness.

City Councilor John Medeiros told me he plans to seek some memorial to the memory of Isaiah in the vicinity of his former home on Eastern Avenue.

But it will be left to the God he served to adequately reward him.

By his life and example, he has, indeed, honored his city and its people.

By his friendship he has honored me.

And I wanted to take this little slab of journalistic real estate to set up my own memorial to the memory of a saint. I wanted, in my own fumbling way, to say goodbye.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues an exchanges of letters with the Department of State and the Department of the Treasury regarding the startup of operations by the European Bank for Reconstruction and Development [EBRD].

At the European summit in Strasbourg, in December 1989, the European Community agreed to a French proposal to create a multilateral development bank for East and Central European countries. This bank was envisioned as a major vehicle for promoting change and addressing economic issues in the newly emerging democracies in this region. Negotiations with the United States and other non-EC countries on the charter of such a bank were initiated shortly thereafter. The EBRD charter was agreed upon in principle on April 9, 1990, and the Bank was formally established on May 30, 1990. Jacques Attali, a close confidant of French President Mitterrand, was nominated to be President of the new institution.

Since last spring, the Bank has been slow in getting off the ground. A number of criticisms of the EBRD came to my attention earlier this year and prompted the correspondence that follows:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, January 17, 1991.

Hon. NICHOLAS F. BRADY,
Secretary of the Treasury, Department of the Treasury, Washington, DC.

DEAR MR. SECRETARY: I write with respect to the European Bank for Reconstruction and Development (EBRD). I am concerned about the direction the Bank appears to be taking and with the slow pace of its start-up efforts.

A number of criticisms of the EBRD have recently come to my attention:

The EBRD has been unable to define a "lending niche" distinct from that of the World Bank. Instead of complementing the efforts of the World Bank and IMF, the EBRD is in danger of setting itself up as a competing lender which might challenge the conditionality set by these institutions;

EBRD President Jacques Attali is promoting his own and/or President Mitterrand's agenda over the objections of other EBRD donors and Eastern European loan recipients;

Ernest Stern, a respected Senior Vice President at the World Bank, turned down the position of EBRD First Vice President due to fundamental differences with EBRD President Attali;

The EBRD has had problems recruiting staff (despite planned average salaries of $175,000) due to the low reputation of the Bank and its President compared to other international lending institutions; and

The EBRD and East European Governments have had disagreements regarding the Bank's funding priorities.

I would appreciate your answers to the following questions:

Are you pleased with the progress made so far by the EBRD?

Are strategic, managerial, and operational problems, as stated above, hindering the EBRD's ability to carry out its stated objectives?

Have these problems contributed to a slow start-up of the EBRD, or do you see other factors at work?

What steps are you taking to speed the establishment and functioning of the EBRD?

When do you expect the EBRD to begin lending?

I appreciate your consideration of this matter and look forward to your early reply. You should know that a similar letter was sent to the Department of State. I hope that you can coordinate your response.

With best regards.

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

U.S. DEPARTMENT OF STATE,
Washington, DC, February 25, 1991.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. HAMILTON: I am replying to your letter of January 17 to Secretary Baker expressing your concern with the progress of setting up the European Bank for Reconstruction and Development. I understand that the Treasury Department has responded in detail to the questions you raised.

Creating a new international financial institution has proved to be a complex undertaking, which will necessarily take time. In light of that fact, we are concerned more that the Bank get a strong start than that it start quickly. We expect the Bank to be formally inaugurated in April and to see the first transactions by the summer.

The United States remains fully engaged in the hard work of shaping the EBRD. Our central objective is to create an institution that supports and accelerates the development of prosperous, market-oriented economies in Eastern Europe through direct support for emerging private sectors. This objective has the firm endorsement of the President-designate and all the signatory countries. None of the difficulties we have experienced in setting up the Bank has challenged that central priority.

Much more work remains to be done, however, in order to create an institution that serves our objectives effectively, and which does so in close cooperation with the IMF, World Bank, IFC and bilateral assistance programs. In that regard we have made a number of suggestions for development of a comprehensive lending strategy and prioritization of the Bank's activities. We will be working closely with staff over the next few months as they formulate policies.

Based on discussions with EBRD management on the responsibilities of the First Vice President, we are optimistic that the United States will be able to play a strong role in the Bank's direction.

We very much appreciate your interest in the process of setting up the EBRD and would be glad to discuss it further with you or your staff.

Sincerely,

JANET G. MULLINS,
Assistant Secretary Legislative Affairs.

DEPARTMENT OF THE TREASURY,
Washington, DC, February 7, 1991.
Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of January 17 to Secretary Brady, in which you express concerns regarding the start-up of operations by the European Bank for Reconstruction and Development (EBRD), and a follow up to our recent meeting. The U.S. Government shares many of your concerns, and has been working actively with Bank management and other Bank members to obtain the necessary changes in the Bank's organizational structure and operational priorities.

With regard to your specific questions, we would have to say that we are not completely satisfied with the progress made so far by the EBRD. In particular, we had expected that the Bank would have produced a detailed operational strategy by now, setting out a comprehensive and realistic program of operations for the Bank, with sector specific objectives in individual borrowing countries. This has not occurred. The Bank has also been slow in establishing the operational and financial policies which can serve as a guide for the staff responsible for formulating specific project proposals, as well as for potential borrowers.

These problems were the subject of negotiation at the Third Organizational Meeting of the EBRD in London January 28–30. We found that a large number of the other Bank members shared our concerns, and we were able to obtain a commitment from management to give priority to the formulation of a comprehensive and realistic operational strategy for the Bank. We have made clear that this strategy must be completed before the Bank can begin to finance individual operations.

In the operational strategy, we have asked the Bank to undertake a thorough analysis of the priority needs of the borrowing countries, and an analysis of the activities of other multilateral and bilateral donors. Based on this analysis, and keeping in mind the requirement in the Articles of Agreement that the EBRD must allocate at least 60 percent of its funding to the private sector or privatization activities, the Bank must then set up a specific operational plan for each of its borrowing countries. We would expect this plan to be fairly narrow in the beginning, expanding as the EBRD gained knowledge and expertise.

We have suggested that, in the initial stage of operations, the Bank concentrate on privatization, enterprise restructuring, environmental projects and the development of individual private enterprises, including joint ventures with foreign partners. In addition, there is scope for the Bank to be involved in the development of the financial sector in Eastern Europe, and in the financing of infrastructure projects critical for the establishment of a viable private sector, such as telecommunications and energy projects. This is the "lending niche" that you refer to.

We have also asked the Bank to produce detailed policy papers on operational issues (procurement, project evaluation, etc.), financial issues, environmental policy, technical assistance and human rights. We have provided the Bank with our own proposals on these issues, and will be working closely with staff over the next few months as they formulate their policies.

I am less concerned about the overall orientation of the Bank. Bank management and staff are determined to give the Bank a strong private sector orientation. Although there is a tendency to focus on the integration of Eastern Europe into the Western Europen economic network, I believe that we will be able to work through high level U.S. staff and the U.S. Director to ensure that our interests in Eastern Europe are taken into account.

The United States will be able to play a strong role in the Bank through the First Vice President position. Although we were disappointed that Ernie Stern decided not to accept this position, we will soon place another highly qualified individual in this position. In addition, we have had extensive discussions with Bank management regarding the responsibilities of this post, and are now satisfied with the division of responsibilities of the top level management of the EBRD. The U.S. First Vice President will have a broad coordinating role within the Bank by chairing the Bank's internal Operational Committee. The First Vice President will also have the Merchant Banking portfolio of the Bank, a position which will have control over about 70 percent of the Bank's operations, including all private sector operations and all privatization activities.

The various operational and organizational issues which I have outlined above will be discussed again at the next organizational meeting March 25–26, and at the inaugural meeting of the Board of Governors and Board of Directors, tentatively scheduled for April 15–18, 1991. If we and the other members are satisfied with the Bank's strategy and policy proposals, the Bank should be able to begin operations this summer.

I would be pleased to provide you with further information on the EBRD's activities.

Sincerely,

DAVID C. MULFORD,
Under Secretary International Affairs.

SADDAM HUSSEIN MUST BE HELD ACCOUNTABLE FOR HIS CRIMES AGAINST HUMANITY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. YOUNG of Florida. Mr. Speaker, the liberation of Kuwait has been accomplished and the objectives of President Bush and the coalition forces have been achieved. However, as the people of our Nation, those of our allies, and those of liberated Kuwait rejoice in victory, there still hangs a black cloud over Kuwait. That black cloud is caused by the burning oil fields of that nation, set ablaze as part of the scorched earth retreat of Saddam Hussein's forces. What that black cloud has come to symbolize is the horrible atrocities committed by the forces of Iraq during their 7-month occupation. With the occupation over, the world is only now beginning to realize the true extent of Saddam Hussein's reign of terror.

Over the past 7 months we have heard many first-hand reports of the brutality of Hussein's forces. During the occupation of Kuwait, tales of torture, rape, and mass executions leaked out, many too horrifying to believe. But now as the citizens of liberated Kuwait express their gratitude to the coalition forces who have freed their nation, they also share with the world personal accounts of the terror which ensued following the invasion. Family members disappearing only to reappear dead several days later on the front doorstep, their bodies mutilated and riddled with bullets. Mothers forced to watch as their husbands are shot and their daughter raped. One woman, suspected of being with the Kuwaiti resistance, was found with an ax lodged in the back of her head. The atrocities committed by these brutal forces are too numerous to count. However, difficult it may be for the Kuwaiti people to talk of these horrors, they are willing to tell, and the world must now listen and know.

Saddam began his reign of terror by holding thousands of foreign citizens hostage following his August 2 invasion of Kuwait. Many of these hostages were held as "human shields" at strategic sites in the hope that their presence would deter the United States and its allies from any plans to attack. Then, having released these hostages, he resorted to the use of American and allied POW's as human shields, an act which violates not only the Geneva Conventions on the treatment of prisoners of war, but every norm of human decency. Iraqi news accounts bragged that allied air raids resulted in the death and injuries of several American and allied POW's being held as human shields. We warned the Iraqi Government time and time again of its obligations to respect the rights guaranteed to POW's under the Geneva Conventions. Their response was to deny any wrong doing in the treatment of their "guests".

We shall never forget the anger we felt at the sight of our brave yet battered airmen, who were paraded on television as prisoners of war. Slumped in chairs, their faces cut and bruised, they were forced to make coerced statements, in bald violation of the Geneva Conventions. His decision to brutally humiliate these airmen was then followed by an announcement on Baghdad Radio that allied prisoners of war would be tried and treated as war ciminals. Whatever the reason for this propaganda horror, its effects were clear: The American people grew angrier than ever and the allied forces' resolve to stop him hardened.

Baghdad Radio's broadcast that allied prisoners of war would be tried and treated as war criminals, came at the same time that Iraqi prisoners of war held by the allies were praising their treatment in United States and Saudi prisoner of war camps. They receive three meals per day, as opposed to the one meal of rice they received from the Iraqi Government. They receive medical treatment for lesions and lice that were the result of their less than humane lifestyle in the Iraqi military. They receive care for any injuries incurred in battle—care which often times saves their lives. Finally, the United States and Saudi Arabia, as per the Geneva Conventions, have notified the International Red Cross of the names, ranks, and serial numbers of all Iraqi prisoners of war. This information has in turn been relayed by the Red Cross to the Iraqi Government.

The contrast between the Iraqi and allied treatment of prisoners of war is obvious, and was of great concern to all Americans. The list of Saddam's war crimes, however, does not

end there. The world watched as almost daily, throughout the 7 weeks of Operation Desert Storm, Saddam Hussein ordered a relentless, unprovoked series of Scud missile attacks against civilian population centers in Israel and Saudi Arabia. While the remarkable technology of United States Patriot missiles managed to destroy most Scud missiles in the air, pieces of the Scuds as they broke up in flight and after being struck by Patriots managed to fall on areas inhabited by innocent civilians, killing nearly a dozen and injuring more than 100.

Certainly no American can forget that 29 Americans lost their lives in a Scud attack on Saudi Arabia in the closing hours of the war. It was the single greatest loss of life and injury by the allies in the entire operation.

Saddam Hussein's reasons for these unprovoked attacks, especially against Israel, were clear. He hoped to bring Israel into the war in an attempt to break the resolve of the allies and disband the coalition. Once again he failed. Reserving the right to defend themselves and their nation, the Israelis demonstrated tremendous restraint in not launching a retaliatory strike. The Congress and our Nation commend them for their restraint and reaffirm our commitment to their freedom and security.

In addition to his continuing campaign of Scud attacks against civilian targets, Saddam Hussein, to the amazement of the world and in a desperate act of ecoterrorism, also undertook a personal war against the Persian Gulf itself. The Iraqi President ordered the opening of oil pumps on the coast of Kuwait, dumping millions of barrels of oil into the gulf, creating an oil slick the size of New York City. In addition, the torching of 600 oil wells in Kuwait is producing one of the world's worst air pollution disasters. This environmental terrorism could destroy the gulf and all the life it supports for decades. With no military advantage to gain from these acts, it is clear that Saddam Hussein was only interested in opening the door to new forms of terror.

As the people of Kuwait return to rebuild their homeland, we are learning even more details of the atrocities committed by Saddam Hussein and his forces during the occupation of Kuwait. In the weeks and months ahead, we no doubt will see the true extent to which he terrorized his small defenseless neighbor.

In just the first week since the cease-fire began, we have seen Saddam Hussein revert to armed force and terror against his own people. Using what military strength he was able to salvage, he has quashed spirited demonstrations and uprisings in a number of Iraqi cities while the people were demanding Saddam Hussein's removal from power. It is the last vestiges of the elite Republican Guard that has taken the lead in these operations as they have opened fire and used brute force against unarmed and defenseless Iraqi citizens.

The manner in which Saddam Hussein ordered and oversaw the murder and torture of thousands of American, Kuwaiti, Israeli, and allied troops over the past 7 months, and his actions within his own country these past 7 days serves as a vivid reminder to the world of what was at stake in the Persian Gulf. Saddam Hussein symbolizes lawlessness and aggression; the defeat of his forces represents an historical milestone for civility and human rights.

Saddam Hussein must answer the calls of the international community and stand trial for his crimes. Our victory in this campaign demonstrates to the world, and to future despots and terrorists, that the international community is fed up with their lack of human decency and their careless disregard for human life. It expresses an unwavering resolve to bring these criminals to justice.

Legislation I drafted in January, after seeing Saddam Hussein parade beaten American and allied POW's before Iraqi television cameras, would have authorized the United States to pay up to $100 million to any individual or individuals providing information or assisting in the capture of Saddam Hussein. Previous Congresses have taken steps to provide the authority for the similar payment of rewards to those who assist in the capture of terrorists and drug kingpins. It was at the request of our administration, which so skillfully held together a diverse coalition of allied forces, that I held off introducing this legislation to avert any disruption in the support of our allied forces, especially those in the Arab community.

Still, I believe our Nation should work with the victorious leaders of our coalition to proceed with the capture of Saddam Hussein so that he can be tried before an international tribunal to demonstrate the world's resolve to punish cowardly crimes of terrorism. His trial would send a message to other potential tyrants and terrorists that the free world is serious about working together to bring to justice international criminals who commit these heinous crimes against humanity.

The U.S. Congress is outraged, the American people are outraged, and the entire free world is outraged at the brutality of Saddam Hussein and his unthinkable acts which violate every norm of human decency. The Congress has voted to condemn his actions, and now we must strive to see that he is held fully accountable for every one of these ruthless acts he ordered committed over the past 7 months.

THE COMPREHENSIVE WETLANDS CONSERVATION AND MANAGEMENT ACT OF 1991

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. HAYES of Louisiana. Mr. Speaker, I rise today to join with my colleagues Mr. RIDGE, Mr. TAUZIN, Mr. YOUNG of Alaska, Mr. ANTHONY, and Mr. HAMMERSCHMIDT, along with many other Members, in the introduction of the Comprehensive Wetlands Conservation and Management Act of 1991.

Mr. Speaker, a few weeks ago on the floor of this Chamber the President of the United States gave his general State of the Union Address. Imagine the public reaction if, at that time, he had reported in his speech that the only item missing in the fulfillment of his vision for America was a national land-use plan. Newspaper headlines across the Nation would have screamed for an explanation and opposition would have erupted overnight. The same would have been true if in the Democratic response, the same idea was proposed.

However, that is exactly the situation we find ourselves in today. Federal wetlands law has now become the land management tool for anyone wanting to dictate development across this country. I believe that situation needs to change.

Mr. Speaker, we have joined together today to offer a solution to the wetland problems we are currently experiencing in each of our home districts. For example, in Eugene, OR, a State known for its environmental sensitivity, a statewide program to map out areas for development has been usurped by Federal law. Consequently, instead of allowing development to occur on marginal wetlands, development must now proceed on prime farmland or prime forest lands. Is that the type of environmental strategy we want to forward?

In Nevada, developments in the midst of cactus and parched earth are now being classified as "wetlands" because standing water can occur for 7 days in a hole dug for a foundation. The fact that such a rain occurs very rarely no longer seems relevant in what was once considered a desert State, but which is now "the Great Wetlands State."

Obviously, Louisiana has its own problems as well. In my area, where precluding man's activities on wetlands ensures their permanent loss, the current Federal policy literally supports ecological damage. In my district I have landowners who are the active stewards of the marshlands fighting to protect wetlands from the geologic processes of subsidence and a rising sea level. Without their marsh management efforts my region will continue to convert to open water, and subsequently, into the Gulf of Mexico. Amazingly, in spite of this scenario these people must wait over 5 years to get a permit to simply repair an eroded levee or water control structure. That does not make sense. It may amuse several of my colleagues that this issue hits at the heart because I am in jeopardy of losing my seat to erosion rather than apportionment.

In the most graphic terms, this country continues to lose over 1,200 acres of wetlands each day. This rate of loss can no longer be tolerated. Concurrently, we have also managed to burden our communities, who must meet their expanding needs, by imposing a regulatory process that prohibits essential growth from occurring, devalues individuals' property, cuts local governments' tax base, and accept as standard operating procedure a process that delays permit decisions for years. Obviously, there are no winners in this scenario.

In response to this crisis, I have crafted a proposal that will establish a new national wetlands program that will conserve our wetland resources, while accommodating the need for continued economic growth and the reasonable protection of private property rights. With the help of many individuals from my State, and from Members and organizations from around the country, this bill has been drafted to create a regulatory scheme that respects the regional nuances that make the wetlands of such places as Louisiana, Alaska, and Pennsylvania so distinctive.

For a quick history lesson on how we got into the mess we are in today, and why we must reform the current system, we must being in 1972 with the passage of the Clean Water Act. In that act, wetlands were barely the focus of congressional attention, receiving less than two paragraphs of legislative language. In short, congressional intent focused strictly on the dredge-and-fill activities of the Corps of Engineers within the navigable waters of the United States, such as for the maintenance of the Mississippi River channel, and was not primarily concerned with the future of all wetlands within the entire United States.

Since that time, without congressional debate or mandate, the promulgation of rules and regulations by various agencies and departments, acting free from the constraints of public comments, has led to the bureaucratic malaise in which we currently find ourselves entangled. Based upon the searing comments each of us hear from our constituencies regarding the impact this egregious system has had upon their lives, it is obvious that the changes promulgated since 1972 have neither protected our wetlands nor respected the property rights of our citizens. Suffice it to say, that a law that never envisioned itself to be the protector of wetlands has not been modified to protect the environment nor legitimate concerns of our communities. Consequently, it is time for a change.

For the first time since the inception of the Clean Water Act in 1972, our bill would establish a true comprehensive national wetlands policy, rather than simply trying to apply an inadequate and inappropriate law to meet that goal. For example, this legislation would finally expand the jurisdiction of wetland protection to cover such currently permissible activities as excavation and drainage, each of which, under present law, may cause severe environmental degradation.

More importantly, however, this legislation would finally recognize that a rational balancing test needs to be incorporated into the Federal decision-making process regarding the permitting of activities in wetlands.

To accomplish this goal our legislation takes a bold new approach by categorizing and classifying wetlands based upon their environmental values and functions for regulatory purposes. Such an approach guarantees that important wetlands receive critical Federal attention and protection while lesser value properties are protected in a way that ensures that their functions and values are not lost to the region while still accommodating essential community growth. Clearly, it is that sort of balanced approach that all of us share as our common goal.

This proposal also makes significant progress in improving the definition of what makes a property a wetland. As each of us knows all too well, the current delineation manual has created a furor over the excessive scope of that directive's definition of what constitutes a jurisdictional wetland. Consequently, through the comments of numerous individuals and groups, we have worked to correct this situation. Under the authority of our new definition we believe that only those properties that provide true wetlands functions and values will now be covered by Federal law.

Furthermore, following upon the heels of several landmark court decisions involving the issue of regulatory takings, our legislation clarifies that the imposition of excessively restrictive permit conditions is, in essence, expropriation. While no one likes to admit that, under current law, we are regularly taking land from property owners, or that the existing Federal wetlands policy costs us millions each year, the time has come for Congress to put its money where its mouth is.

To date, as a Federal Government, we have thought nothing of telling a landowner that he or she is precluded from ever using that property again for any economic use due to the fact that it has now been delineated as a wetland. We do this, of course, under the guise of being in the Nation's best interest. What we have neglected to do however, is recognize that this type of action is clearly not in the individuals best interest and may devastate the financial condition of that owner. Nonetheless, as long as no bill came due to the Federal coffers, there was no need to worry and no need to believe that this action could have a detrimental impact upon our country.

But explain to me the difference between a landowner who is approached by the Department of Transportation to explain that I–10 is going to be built through their property for the national good and a landowner who is told not to build or use their property because it is a nationally significant wetland. I believe that in both cases the individual has lost the use of their property in response to the greater good. However, in one fundamental way the net result is significantly different because the owner in the way of I–10 will not be the one to shoulder the financial burden alone for the national good; he or she will be compensated as an expropriation. The wetlands owner, however, will simply be entitled to hold title to their property which he or she can not extract any economic value from, but will be left to shoulder that burden on behalf of the national good alone, while continuing to pay full value taxes on those lands. That scenario does not make sense and is clearly unfair.

To streamline this process and to protect those wetlands that are of national significance, our bill proposes to guarantee that critically important wetlands are prohibited from being subject to any economic development, but in return, provides landowners with a swift compensation procedure to protect their rights and economic condition.

While some members complain that the cost associated with this type of solution due to takings is too high, I must point out that they never seemed to care before for the individual back in their district who has had to lose their life savings that was tied into their ownership of lands which were later determined to be wetlands through the de facto expropriation of their properties. Furthermore, as cases such a Florida Rock and Loveladies Harbor progress through the courts on the way to the Supreme Court, the issue of whether takings are occurring or not is now moot. The courts are saying that these are takings. Therefore, the issue of whether we as a government with an inflated budget deficit can withstand the effects of takings decisions is no longer avoidable, we are going to have to act.

One short note on that point. Under the accelerated procedure established in our legislation, at least the Federal Government would be able to avoid the penalties and interest costs that they are currently paying in each case where they deny a takings has occurred. For example, in one of two cases I just mentioned, instead of paying over $5 million to the landowner, the Federal Government would only have had to pay a little over $1 million to settle this case. However, due to compounding interest and the snail-pace involved in resolving this issue the Government has had to pay four times its initial and reasonable cost.

Finally, the bill accomplishes two major goals that are consistently mentioned by my constituents. The first is the streamlining of the decisionmaking process so that permits no longer linger years after the initial application awaiting a granting or denial. Secondly, the bill provides an incentive for States to take on an increased role in the management of their own wetlands as well as providing for the complete assumption of the permitting process if they so desire. Individuals have remarked that decisions need to be made by people who know the land and live on or near the land in question, rather than by some bureaucrat located hundreds of miles away who uses aerial photographs to make their decisions. In the course of the nationwide Domestic Policy Council's hearings on wetlands, both of these points were highlighted time and time again as areas that needed reform.

In conclusion, I want to remind my colleagues that this is an extremely complex issue where solutions that are good for Louisiana may not be best for Maine or North Dakota. However, after working with hundreds of people from around the country I believe that this legislation provides the best vehicle for correcting a system that is in dire need of repair.

I remember, on the day John Kennedy was killed, my father and I were hunting in the marshlands south of my home in Louisiana. While the memory of that tragic day is still alive for each of us, what concerns me now is that the very lands he and I walked upon that day are no longer there; they have literally eroded out from under our feet. I worry that my children and their children will not have the same opportunities to enjoy these lands if you and I do not do something today. We can't bring back each and every acre and memory, but we can ensure that the places where dreams are made will be there in the future for our children to use and appreciate.

We can no longer blame the loss of wetlands or the anger of our constituents on geologic processes, Federal ignorance or other grand-scale factors. Wetlands are too critical to our environmental and economic survival not to be addressed now by an enlightened Congress. There is clearly the will here in this Nation to accomplish that task and it is our responsibility to harness that energy. I would commend my fellow colleagues to look at this legislation and to use it as the first step in reforming our wetland laws and in meeting our challenge to better protect and manage this country's natural resources.

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THE PEACE, DEMOCRACY AND DEVELOPMENT IN EL SALVADOR ACT

HON. JAMES A. McDERMOTT
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. McDERMOTT. Mr. Speaker, today, I am introducing the Peace, Democracy and Development in El Salvador Act. Thirty of my colleagues in the House have joined me as original cosponsors of this legislation, which is also being introduced by Senator BROCK ADAMS in the other body today.

Last year, Congress broke important ground by voting to cut military aid to El Salvador by 50 percent and imposing conditions on the restoration of aid. I commend my colleagues, the gentleman from Massachusetts [Mr. MOAKLEY] and the gentleman from Pennsylvania [Mr. MURTHA] for their skill and leadership on this issue.

But, for all practical purposes, we stand here today in the same place we were a year ago—we are still sending $85 million to El Salvador in military aid and the violence still goes on. The administration announced on January 15 that the additional $42.5 million in military aid would be released, but not obligated for 60 days, pending a ceasefire. Since negotiations have not yet produced agreements to achieve a ceasefire, it is extremely unlikely that the aid will remain withheld.

The intention of the Moakley-Murtha provisions included in the fiscal year 1991 appropriations bill was to encourage negotiations and respect for human rights by both the Government of El Salvador and the Faribundo Marti National Liberation Front [FMLN]. Specific conditions were laid out which, upon being met, could restore or further cut military aid, thus providing incentives for each side to work for a peaceful settlement to the conflict. But, as many of my colleagues have expressed in a recent letter to President Bush, the President selected certain conditions to cite when restoring aid and neglected others that, if imposed, would have cut aid. One of those conditions required that military aid should be cut further if progress was not made in prosecuting all those responsible for the murder of six Jesuit priests and two others at the University of Central America on November 16, 1989.

Just over a year ago, I returned from a trip to El Salvador with the Moakley task force to investigate the murder of the Jesuits. At that time, it was clear that the investigation was not proceeding swiftly. Today, little progress has been made to prosecute those who pulled the trigger and nothing has been done to identify those who ordered this egregious act. Yet, the President apparently overlooked this fact when he decided to release the additional military aid.

The Peace, Democracy and Development in El Salvador Act avoids this type of unilateral judgment by the President by cutting military aid 100 percent and then requiring that, after the President reports that certain conditions have been met, Congress must vote on the restoration of aid. A thorough analysis of the activities of the Salvadoran Government as well as the FMLN would then be required. Conditions on restoration of aid include: First, the rightful resolution of several human rights cases, including the 1989 assassination of the six Jesuit priests and two others; second, civilian control of the military so that the people of El Salvador can trust their government to provide them with protection rather than terrorism; third, an end to crimes against civilian noncombatants; and fourth, meaningful negotiations toward a permanent settlement. It would also prohibit covert activity, withdraw military advisors, and transfer withheld aid to a fund for postwar reconstruction. In short, it sets a framework for peace.

For too long, we have heard the same rationale from the administration about our policy in El Salvador. Claims are made that our presence in El Salvador has helped instruct the Salvadoran military to respect human rights abuses and that our aid is essential to maintain the fragile democracy that exists and to end the civil war. But when you cut through the rhetoric, one fact remains: Eleven years of military aid have failed to bring peace to El Salvador. Despite the genuine efforts of Salvadoran President Alfredo Cristiani, the military lacks accountability and has failed to end its crimes against civilian noncombatants. The people continue to suffer from war and repression. Death squads continue to execute civilians in the middle of the night. The cycle of violence goes on.

The Salvadoran military and the FMLN are both responsible for abuses of human rights, as we have seen in the Jesuit case and the killing of three United States airmen earlier this year. These atrocities will only abate when a permanent settlement to the conflict has been reached. Withholding aid provides incentives for meaningful compromise at the bargaining table. Until then, neither side is likely to stop the killing.

Our aid affirms the notion that a military solution to this conflict is possible. Until we take the lead in dispelling this notion by ending our own military involvement, the war will continue. This war does not have to rage indefinitely. A framework for peace has already been established. Promising negotiations with the United Nations are taking place, but a resolution of many major issues, including military reform and the prosecution of human rights cases, has yet to occur.

In his announcement of his intention to restore full military aid, President Bush sent a signal to the Salvadoran military that all is well and that business as usual can resume. If history is any indication, this move will only perpetuate the war. It has already been followed by the massacre of 15 civilians, the detention of journalists, and the burning down of the opposition newspaper headquarters.

Today, we intend to send a different signal. It is time to reverse our policy in El Salvador. The war in the Persian Gulf prompted a new and important debate about when to wage war and when to seek peace throughout the world. One of the important lessons of that crisis has been that we cannot allow human rights abuses to go unchecked. Amnesty International has been documenting gross violations of human rights in El Salvador for years, just as it has in Kuwait for the past 6 months. Our failure to address the tyranny and brutality of Saddam Hussein helped lead us to war—fortunately, one that lasted only 42 days. But our failure to address repression in El Salvador has encouraged a persistent war in that country that has lasted 11 years, killed well over 70,000 people, including tens of thousands of civilians, and reduced the entire country to abject poverty.

The United States has been a willing accomplice in this war, providing over $1 billion to the Salvadoran military. At times, we have given the Government of El Salvador over half of its annual budget. United States military aid has been accompanied by a 400 percent increase in the size of the Salvadoran military. Yet, we have not fostered a negotiated settlement. We have not alleviated poverty. We have not presided over peace; instead we have perpetuated and even institutionalized war.

I hope this year Congress and the administration will recognize at last that we cannot repeat the mistakes of the past in El Salvador. It is time for a new policy to promote peace in this country that has suffered so long and so terribly.

H.R. —

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Peace, Democracy and Development in El Salvador Act of 1991".

SEC. 2. 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 political agreements leading to a cease-fire and permanent settlement to 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 Congress that the United States shall use diplomacy to encourage both the Government of the Republic of El Salvador and the Farabundo Marti National Liberation Front (hereinafter in this Act referred to as the 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, and 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

human rights. These include 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 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. 3. 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 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 Micheal Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rudofo Viera;

(c) the October 1989 bombings of the FENASTRAS headquarters in which ten trade unionists were killed;

(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 effectively 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 EMLN;

(8) the Government of El Salvador has not, through its military and security forces, assassinated or abducted civilian noncombatants, has not engaged in other acts of violence directed at civilian targets, and has not failed to control such activities by elements subject to the control of those forces.

(d) EXCEPTION.—Notwithstanding subsection (a), 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. 4. WITHDRAWAL OF MILITARY ADVISORS FROM EL SALVADOR.

None of the funds authorized to be appropriated by this or any other Act 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. 5. 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. 6. 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 "Demobilization, Transition, and Reconstruction Fund" (hereafter referred to as the "Fund"). Amounts in this Fund shall be available for obligation and expenditure only upon notification by the President to the 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 3 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. 7. 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 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 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) 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. 8. CONGRESSIONAL REVIEW.

Funds available for El Salvador under section 6 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.

FEDERAL INVESTMENT IN A NEW GLASSBORO STATE COLLEGE LIBRARY FACILITY

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. HUGHES. Mr. Speaker, I am introducing legislation today on behalf of Congressman ROBERT ANDREWS and myself which authorizes the Secretary of Education to make a grant to Glassboro State College for the construction of a new library facility.

Glassboro State College is a 200-acre campus located in the southern New Jersey countryside in the town of Glassboro. Many of you may be familiar with Glassboro due to its historical significance. Because of its convenient location, halfway between New York and Washington, DC, Glassboro State College was chosen as the site of the historic conference in 1967 between President Johnson and Soviet Premier Kosygin. The town of Glassboro has been named summit city because of that renowned Hollybush Summit Conference.

Glassboro State College opened its doors to 250 students in 1923. Today, there are more than 8,500 full-time and part-time students enrolled at Glassboro State.

The Jerohn J. Savitz Library at Glassboro, named after the first Glassboro State president, is the largest library in southern New Jersey. It contains more than 280,000 volumes and over 38,000 microforms and subscribes to 1,845 periodicals. The college library received Federal depository status in 1963, allowing for public access to Government information. Today, the Federal depository at Glassboro State has a collection of over 107,458 items.

How we access and process this information will be critical to moving our society forward. Such information is becoming our country's most important national resource. As the United States and the world enter the 21st century, we need to invest in programs that will enhance this valuable source of knowledge and bring it to an even greater number of Americans.

Due to Glassboro's tremendous growth, the college has undertaken the ambitious project of constructing a new facility to house its library collection. Over three-quarters of the funds required for completion of the $16 million facility have been raised through tuition receipts and a New Jersey jobs, competitiveness and education bond issue. The college has exhausted all alternative funding sources for the money necessary for the library's completion.

We are seeking Federal funding of the project's remaining balance of $3 million and solicit our colleagues support in this worthwhile endeavor. We hope our colleagues will view this legislation as an opportunity to make a wise Federal investment which will be shared by generations to come.

INTRODUCTION OF H.R. 1320, THE NATIONAL FISH AND WILDLIFE ENHANCEMENT ACT OF 1991

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. JONES of North Carolina. Mr. Speaker, today I have introduced H.R. 1320, the National Fish and Wildlife Enhancement Act of 1991, along with a bipartisan coalition of Members who are deeply committed to both fish and wildlife conservation and the cautious and prudent development of this Nation's energy resources. This bill addresses one of the most hotly debated natural resource issues before Congress—the question of whether oil and gas leasing should be authorized on the coastal plain of the Arctic National Wildlife Refuge [ANWR]. Because of the recent war in the Persian Gulf, this debate has taken on a tone of deadly seriousness.

This is the third consecutive Congress in which I have introduced legislation regarding oil and gas leasing on the coastal plain of ANWR. This issue was the subject of well over 20 hearings in both Houses during the 100th Congress. My own committee, the Committee on Merchant Marine and Fisheries, held seven of these hearings in which we addressed a wide variety of issues ranging from the environmental track record of the oil industry at Prudhoe Bay to the anticipated impact of oil development on the wildlife resources of ANWR. The diversity of these issues has been reflected in the diversity of the bills introduced on this subject. Some of my colleagues would designate the 1.5 million acres of the coastal plain as wilderness, while others would authorize an immediate oil and gas leasing program for the entire area with the revenues primarily going to the State of Alaska.

During the 100th Congress, I and Representatives JOHN DINGELL and LINDSAY THOMAS introduced a bill, H.R. 3601, which attempted to define the middle ground between these opposing positions. The bill as introduced contained a variety of ideas designed to frame key issues and generate spirited debate. By the time my committee went into a markup on ANWR legislation in the spring of 1988, our thinking had evolved considerably, as reflected in an amendment in the nature of a substitute which I offered to my original bill. Ultimately, my substitute language was adopted by the committee and H.R. 3601, as amended, was ordered reported from the committee with majority support from both parties. Although the 100th Congress ended before further action could be taken on H.R. 3601, I felt that we were rapidly closing in on an environmentally sensitive and sensible approach to ANWR that would be acceptable to a majority of the Members in the House.

Last Congress, I and some of my colleagues introduced another ANWR bill, H.R. 1600, which was based in large measure upon our earlier bill, H.R. 3601. The disastrous oil spill in Prince William Sound occurred soon thereafter, however, and elevated the passage of comprehensive oil spill legislation to the top of my legislative agenda. While we were successful in passing such legislation, it did not occur until well into the second session of last Congress, again leaving no time to address the question of oil and gas leasing on ANWR.

The bill I have introduced today, H.R. 1320, is very similar to H.R. 1600 from the 101st Congress and H.R. 3601, as reported out of my committee in 1988. Since today's bill is so similar conceptually to my previous legislative efforts, I would like to reflect for a moment upon some of the key concepts which have been central to all of my ANWR bills.

First, I have asserted that the status of ANWR as a national wildlife refuge requires a higher standard of care than might otherwise be required for oil development on multiple-use public lands. My bills also have highlighted the role of the Director of the U.S. Fish and Wildlife Service and have mandated that the Service remain in complete control of any oil and gas leasing program for ANWR. These bills have addressed this objective by establishing some of the toughest environmental standards ever applied to oil development in this country. By way of example, my bills have consistently banned the past North Slope practice of pumping reserve pit fluids out onto the tundra. I should add that as a result of past controversy surrounding this questionable disposal practice, the two major operators at Prudhoe Bay have begun changing their drilling operations to eliminate this practice altogether. Perhaps our firm legislative position prohibiting reserve pit fluid disposal on the surface area of ANWR contributed in some small way toward facilitating this decision. In any event, it illustrates how the bill has attempted to anticipate and mandate the improvement of waste management practices for oil development on the North Slope of Alaska.

Another consistent key element in all of my ANWR proposals has been the premise that if the natural resources of a national wildlife refuge are to be commercially developed, there ought to be an overall net benefit back into fish and wildlife conservation and the national wildlife refuge system. H.R. 3601 and H.R. 1600 would have accomplished this by dedicating most of the Federal revenues generated by ANWR for wetland and wildlife refuge acquisitions and the establishment of a major new fish and wildlife enhancement trust fund. This would have generated a much needed boost in Federal funding for fish and wildlife conservation activities in this country. While some might object to dedicating Federal revenues for this particular purpose, this approach is consistent with long-standing Federal wildlife policy regarding the use of revenues generated by commercial activities within refuges. Since the 1935 passage of the Refuge Revenue Sharing Act (16 U.S.C. 715(s)), revenues generated by commercial activities

within wildlife refuges have been placed within the refuge revenue sharing fund. Moneys in this fund are used to compensate local jurisdictions for lost tax revenues and to acquire additional wildlife refuges. H.R. 3601 and H.R. 1600 were, therefore, consistent with this 55-year-old Federal wildlife policy regarding refuge generated revenues.

While H.R. 1320 alters some of the spending mechanisms found in my past bills, its overall fiscal goals remain the same. My previous proposals would have put most of the Federal revenues from leasing on ANWR into a new fish and wildlife enhancement trust fund. Expenditures from this fund would have been automatic and not subject to further appropriation. Although it would still be my personal preference to dispose of ANWR revenues in this fashion, last year's budget reconciliation agreement and past objections from the Appropriations Committee have required the modification of our revenue proposals. H.R. 1320 would now direct that all Federal oil and gas leasing revenues from ANWR be deposited into a new account at the U.S. Treasury called the national wildlife refuge system enhancement fund. This fund would be somewhat similar in nature to the highly successful land and water conservation fund, although the purposes of the new fund would be focused entirely on improving the status of the Nation's national wildlife refuge system. Revenues placed into the fund from ANWR would remain part of the fund until appropriated by an act of Congress for wildlife refuge enhancement projects. This approach addresses the concerns of the Appropriations Committee but avoids the current situation with the land and water conservation fund where the annual unappropriated balances of the fund disappear into the general revenue stream at the U.S. Treasury. Revenues in the national wildlife refuge system enhancement fund would be available for a variety of refuge enhancement projects ranging from the cleanup and removal of contaminants to the initiation of energy conservation programs for the buildings and vehicles utilized on wildlife refuges. This is a sensible approach, it will benefit the Nation's wildlife refuges, and it does not run afoul of last year's reconciliation budget agreement.

Apart from the question of revenues, another central premise of my ANWR bills has been that neither Congress nor the country gains anything by putting off for 2 or 3 additional years a final decision on oil development of ANWR. Because of our failure to get this Nation's energy house in order, our Armed Forces were engaged in combat in the Persian Gulf. On the home front, our domestic production of oil has been seriously eroded. Drilling rig activity is down 75 percent from its peak level of activity in 1981. Crude oil production nationwide is at its lowest annual level since 1961, with production in the lower 48 States at its lowest level since 1950. These are alarming statistics regardless of what one's views are on the question of oil leasing in ANWR—and while our domestic production declines, our dependence on imported oil continues to climb.

Last year we imported approximately 47 percent of all of the oil consumed in this country. This imported oil added $60.7 billion to the balance of trade deficit for 1990. Moreover, if there is one thing that has been shown to be true in the global oil market these days, it is that the market is highly volatile and capable of unpredictable swings. The crisis in the Persian Gulf has demonstrated most clearly how uncontrollable the roller coaster ride can be when the price for your oil is dictated by events beyond the borders of our country. I am reminded of a letter I received 2 years ago from an environmental group urging me to forego oil development on ANWR because, among other things, they noted that the price of oil was only $13 a barrel. In the past few months we have seen the price of oil skyrocket to almost $40 a barrel. Although the price has dropped back down to under $23 a barrel, these figures reflect how unpredictable the oil market we depend upon can be.

I believe that we will be doing the country a serious disservice if we cast our vote on ANWR based upon past low prices for oil. A much more relevant question is what will be the price of oil in 10 years—the length of time it will take to get the first drop of ANWR oil into the Alaskan pipeline. Given the wild gyrations the global oil market can go through in a few short months—let alone in 10 long years—it is obvious why last summer's oil prices can be a slender reed to lean on in casting one's vote on ANWR. The uncertainty of the world oil market is a primary reason why the twin goals of conservation and enhanced production must be pursued simultaneously and not sequentially.

The above key concepts were central to H.R. 3601 and H.R. 1600 and they are central to H.R. 1320. In providing further information on H.R. 1320 I would like to include in the CONGRESSIONAL RECORD a briefing paper summarizing key parts of the bill. I would also like to note what is not in the bill. First, while H.R. 1320 has deleted H.R. 3601's Manton amendment dealing with labor issues and ANWR, no one should interpret this as an antilabor move on my part. Quite to the contrary, I expect that during mark up the committee will approve some sort of labor provision dealing with ANWR. The current absence of such a provision in my bill merely reflects my desire to give labor and the oil industry more time to reach an agreement on this issue.

Similarly, today's bill deletes a provision added to H.R. 3601 which would have banned the export of oil out of ANWR. This deletion is not due to my opposition to the concept. I support it and intend to vote for it again. I just didn't feel that it was appropriate to attempt to second guess the wishes of my committee on this important matter by including it in my introduced bill.

Finally, although H.R. 1320 does not contain any specific proposals regarding the conservation of energy and oil in this country, those types of initiatives should logically be included in any final energy package sent off to the White House for the President's signature. I must admit to being very disappointed in the administration's unwillingness to include strong energy conservation measures in its long awaited new national energy plan. This is shortsighted and will simply not solve this country's long-term energy problems. I have consistently stated that this country must do two things simultaneously: Conserve more oil and produce more oil to eliminate our addiction to foreign oil supplies. I have not included energy conservation measures in my ANWR bill for the simple reason that it is beyond the jurisdiction and expertise of my committee. However, I am prepared to support the addition of realistic energy conservation amendments to my ANWR bill if offered by a committee with jurisdiction over energy matters. Trying to solve our oil supply problems by focusing exclusively on production—or for that matter, by focusing exclusively on conservation—is like trying to ride a bicycle with only one tire. You need both tires, and you need to use them simultaneously, if you want to make any forward progress. Thus, by opening up ANWR now and by initiating oil conservation measures, we can maximize the effectiveness of a national energy program.

In summary, H.R. 1320 picks up where H.R. 3601 and H.R. 1600 left off and improves their provisions even further. It is a better and stronger bill due to the additional adjustments which have been made since last October. The bill has also benefited from the extensive hearing record generated before various committees of Congress. This record, the result of close to two dozen hearings, brings me to a final point. During the previous Congress, a number of environmental groups petitioned the President and the Secretary of the Interior to redo the section 1002 report with the assistance of the National Academy of Sciences. In their petition, the groups listed various areas in the section 1002 report which they found deficient and cited other reports or studies which were critical of oil industry operations on the North Slope.

With all due respect to the petitioners, halting further congressional consideration of ANWR in order to revise and produce a new section 1002 report ignores completely the voluminous record already generated by Congress. We are now into our fifth year in dealing with this issue. Regardless of what one thinks about the merits or deficiencies of the original section 1002 report, Congress is well beyond that report in its analysis of the various environmental and economic issues associated with ANWR. I am not persuaded that Congress should stop further consideration on ANWR until a better section 1002 report is developed. Whatever the deficiencies in that report, they have been more than adequately compensated for by the hearings which have been held. Congress is no longer an uninformed decisionmaker on this matter. We are rapidly approaching the point where we will have talked this issue to death. The time has arrived to resolve the ANWR debate. I believe that H.R. 1320 takes another important step in that direction. It is a sensible bill that would give back more to the national wildlife refuge system than would be taken. It is tough environmentally, as witnessed by provisions like the protection it offers for the core calving area of the porcupine caribou herd. It is, in short, a consensus bill that should attract the support of a majority of our colleagues. I and the rest of the cosponsors of H.R. 1320 will continue to welcome suggestions for improving the bill even further. Congress has thought about this matter long enough. It is time to put the matter to a vote.

H.R. 1320, KEY CONCEPTS FOR THE NATIONAL FISH AND WILDLIFE ENHANCEMENT ACT OF 1991

1. Authorizes a carefully controlled leasing program for a majority of the 1.5 million acre coastal plain of the Arctic Refuge (ANWR). The initial lease sale is to be held upon issuance of final oil and gas leasing regulations. No more than 300,000 acres of the coastal plain to be offered or leased at any one time, with lease sales held no more frequently than once every two years.

2. Establishes a 260,000 acre "Protective Management Zone" (PMZ) in the coastal plain of the Arctic Refuge (ANWR) which includes approximately 95% of the Porcupine caribou herd's "core calving" area. Would prohibit within the PMZ all surface occupancy and use for oil and gas activities including the granting of rights-of-way for transportation and utility corridors. Restricts surface occupany to "essential" oil facilities within a 1.5 mile buffer zone around the PMZ.

3. Reaffirms existing Federal national wildlife refuge law requiring the Director of the U.S. Fish and Wildlife Service (FWS) to have the ultimate management authority and control over an oil/gas leasing program on ANWR. The Director of FWS would be authorized, however, to enter into cooperative agreements with the Directors of BLM and the Minerals Management Service to gain their assistance in running the technical, geological and financial aspects of an oil/gas leasing program on the coastal plain. All environmental matters associated with such a program would remain under the control of FWS.

4. Overturns the 1981 *Watt* v. *Alaska* Supreme Court decision which barred FWS from receiving the revenue from oil and gas leasing on any national wildlife refuge which was established by the withdrawal of lands from the public domain. Under the holding of *Watt* v. *Alaska* as applied to ANWR, Alaska would get 90%, and the U.S. General Treasury would get 10%, of all oil and gas leasing revenues from the coastal plain; no revenues would go to FWS or be used for wildlife conservation, despite the fact that leasing and production would be taking place within a national wildlife refuge. The National Fish and Wildlife Enhancement Act of 1991 would direct that with the exception of wildlife refuges in Alaska, all future oil and gas leasing revenues from withdrawn or reserved refuges would be placed into the Refuge Revenue Sharing Fund, helping to eliminate the current large deficit in that Fund. Oil and gas leasing royalties and revenues from ANWR and the new Teshekpuk-Utukok National Wildlife Refuge would be divided 50/50 with the State of Alaska. The Federal share of revenues from these two refuges would be used to establish a new account at the U.S. Treasury called the National Wildlife Refuge Enhancement Fund. Monies in this permanent Fund would be expended, subject to appropriations, to promote national wildlife refuge enhancement projects in the following areas: (a) refuge contaminant assessment and cleanup; (b) refuge water rights quantification and acquisition; (c) refuge energy conservation and efficiency improvement programs; (d) fish and wildlife refuge research programs with special emphasis on the effects of development and pollution on fish and wildlife and the habitat needs of refuge nongame species; (e) enhancement of sport fishing programs on national wildlife refuges; (f) acquisition of Native inholdings within Alaskan units of the National Wildlife Refuge System; and (g) other wildlife refuge enhancement projects recommended by the Director.

5. Prohibits leasing of the ANWR coastal plain if the State of Alaska successfully challenges in court the proposed 50/50 split of ANWR oil revenues. Thus, no oil leasing would occur unless the Federal government was assured that 50 percent of the revenues would be placed in the National Wildlife Refuge Enhancement Fund.

6. Protects the coastal marine environment of ANWR by granting the Directors of FWS, the National Marine Fisheries Service and the Alaska Department of Fish and Game new authority to impose mandatory terms and conditions on Federal permits or authorizations for port facilities and offshore causeways abutting the coastal plain of ANWR (this would follow the existing approach in Section 18 and Section 30(c) of the Federal Power Act for the approval of small hydro projects). Allows no more than two port facilities along the entire coastal plain, including lands owned by the Kaktovik Inupiat Corporation, and prohibits marine facility development in the Pokok Bluffs area and other parts of the coastal plain containing concentrated polar bear denning habitat.

7. Establishes a 3-mile wide coastal "insect relief zone" for caribou, with surface occupancy in the first 1.5 miles inland from the coast generally limited to necessary marine facilities and pipelines from offshore causeways. The only exception to this restriction would be that on a case-by-case basis and subject to the approval of the Director of FWS, Federal oil and gas leaseholders and other non-Federal land owners within the insect relief zone may locate development and production wells to within one-half mile of the coast when necessary to gain access to shallow oil and gas deposits that could not otherwise be reached by slant drilling 1.5 miles from the coast. Within the area 1.5 to 3 miles from the coast, allows only "essential" facilities (drilling pads, production facilities, pipelines and roads that are not economically/environmentally feasible if situated outside the 3-mile zone). All "nonessential" oil support facilities are barred from the insect relief zone entirely.

8. Authorizes FWS and Alaska's Departments of Fish and Game and Environmental Conservation to recover from the oil/gas lessees agency planning, monitoring and enforcement costs for regulating oil and gas operations on the coastal plain. Requires as a condition of such reimbursement, that adequate agency personnel be continuously available on the coastal plain to monitor and enforce the environmental provisions of this Act and other Federal law.

9. Creates a new 23.5 million acre Teshekpuk-Utukok National Wildlife Refuge out of the National Petroleum Reserve-Alaska (NPRA) to the west of Prudhoe Bay. Imposes a five-year moratorium on additional oil/gas leasing in the new refuge with any further leasing subject to the requirements of the 1966 National Wildlife Refuge System Administration Act. No additional oil and gas leases to be issued in Teshekpuk Lake area due to the exceptionally high value of the area for migratory waterfowl. [This proposal is consistent with action taken twice by the House in 1978 and 1979 to make NPRA a national wildlife refuge.]

10. Enhances the law enforcement authorities of the Director of FWS and increases the penalties for violation of ANWR oil/gas leasing or wildlife refuge regulations. Authorizes civil penalties of up to $20,000 per such violation, or in the case of pipeline regulation violations, up to $100,000 per violation. In the case of "knowing and willful" violations of ANWR oil/gas leasing or wildlife refuge regulations, or tampering with environmental monitoring devices on the coastal plain, authorizes maximum criminal monetary penalties as high as provided for under Title 18 of the U.S. Code and up to five years in jail. Applies the recently enacted Oil Pollution Act of 1990 to the entire coastal plain as additional liability and cleanup authority for any oil pollution/spills on the coastal plain of ANWR.

11. Requires the preparation of a hazardous waste and oil spill contingency plan, including identification of potential spill substances, proposed response, removal and disposal plans. In addition, requires proposed measures for the immediate protection, rescue and rehabilitation of all fish and wildlife that might be affected. Contingency plans also include personnel training and testing.

12. Establishes exclusive new authority for FWS to grant rights-of-way across the coastal plain (Title XI of ANILCA dealing with transportation and utility corridors in Alaska would not apply). No rights-of-way for pipelines or roads to be granted until the first Federal lease sale has been held for the coastal plain. Similarly, no rights-of-way are to be granted for an oil or gas pipeline unless an adequate reclamation plan has been prepared for the restoration of the right-of-way area, and unless the applicants for the right-of-way have established and will fund a Coastal Plain Reclamation Fund designed to ensure adequate reclamation of the coastal plain upon completion of oil or gas activities. Applies to requests for rights-of-way ANWR from Native and State lands off-refuge, as well as from Federal lands within the coastal plain. Prohibits the granting of any pipeline right-of-way which crosses the Aichilik River and currently designated wilderness areas in ANWR adjacent to the Canadian border.

13. Requires the use of smokeless flares or comparable technology to reduce black smoke emissions, as well as the use of impermeable reserve pits. Prohibits the surface disposal of reserve pit fluids on the roads or the tundra of the coastal plain.

14. Prohibits oil and gas activity near the Sadlerochit Springs are due to its sensitive and unique environment.

15. Prohibits general public access on pipeline service roads and restricts sport hunting and fishing on the coastal plain by oil field crews. Oil lessees would be liable for civil or criminal penalties for hunting or fishing violations by their employees.

16. Authorizes the creation of a Coastal Plain Reclamation Fund by the applicants for any oil or gas pipeline right-of-way across the coastal plain. No right-of-way for an oil pipeline can be granted prior to the creation of the Fund. Fund to be used to ensure adequate cleanup and reclamation of the coastal plain after completion of oil production and transportation activities, should the lessee or right-of-way holder fail to adequately reclaim the land. The specific funding mechanism for creating the Fund would be left up to the rights-of-way applicants as long as it creates the equivalent revenue stream of $.05 per barrel of oil for the Fund.

17. Requires the bonding of oil and gas lessees and rights-of-way holders to ensure that adequate funds will be available for the reclamation of the coastal plain upon completion of development activities and for emergency cleanup responses to spills, fires or other accidential discharges.

18. Adopts the key management standard of "no significant adverse effects" to govern

and control oil and gas leasing on ANWR. Since the potential for a huge oil field significantly increases the likelihood of Congressional approval for oil leasing in ANWR, the traditional management standard for controlling activities in national wildlife refuges (the "compatibility test") was not chosen for ANWR, to avoid creating an inappropriate precedent as to what that standard means for other wildlife refuges.

19. Given the extensive analysis of environmental impacts in the Department of the Interior's Section 1002 Report, directs that no additional environmental analysis needs to be prepared prior to publication of general leasing regulations. However, requires additional NEPA documentation for all subsequent lease sales.

20. Stresses the need to consolidate facilities to the maximum extent possible to avoid unnecessary duplication and needless surface disturbance of the coastal plain. Also mandates the development of an aggressive waste management system focusing on waste reduction and recycling versus simple waste disposal.

21. Requires public review and comment on all proposed Plans of Operations submitted by oil companies for exploratory drilling or for development and production.

22. FWS given authority to suspend or cancel oil leases due to unforeseen environmental hazards.

23. FWS directed to impose siting restrictions and seasonal limitations on oil activities in order to avoid adverse effects to significant wildlife breeding, calving, denning, nesting and staging areas, and to significant fish spawning, over-wintering and rearing habitats.

24. Bars permanent roads in support of exploratory drilling operations; requires the use of helicopters, ice roads, airplanes and, under limited circumstances, certain off-road vehicles.

25. Restricts the removal of water for oil operations from existing streams, lakes and springs, especially in natural fish-bearing water bodies during the winter.

26. Prohibits exploratory drilling on a township of Native-owned land within the coastal plain, until after the first lease sale authorized under the Act. Exploratory drilling allowed for three townships of Native-owned land adjacent to the coastal plain upon date of enactment of this Act but subjects Native operations to environmental controls for rest of coastal plain and requires FWS approval of all plans of operation. Repeals Section 1003 of ANILCA for Native-owned part of original coastal plain simultaneously with the holding of the first Federal lease sale for the coastal plain. For remaining three townships of Native lands adjacent to coastal plain, Section 1003 is repealed as of the date of enactment of the Act.

27. Prohibits the location of permanent oil facilities within three-fourths of a mile from rivers specially designated by the Secretary as having sensitive riparian habitat.

28. Overturns past Federal District Court case which held that the Director of FWS has no regulatory authority over reserved (private) oil and gas activities within national wildlife refuges. Would authorize the Director to impose economically reasonable environmental terms and conditions on such private mineral activities within national wildlife refuges.

29. Amends the National Wildlife Refuge System Administration Act by adding a general statement of purposes for the National Wildlife Refuge System.

30. Authorizes appropriations for "local impact aid" programs to provide financial assistance to six rural subsistence villages and the North Slope Borough government which might be affected by an ANWR oil and gas leasing program.

31. All geological and geophysical field data and drilling information is to be provided to the Secretary, with prescribed regulations to assure confidentiality.

RIVERSIDE COMMUNITY COLLEGE CELEBRATES 75TH ANNIVERSARY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. BROWN. Mr. Speaker, I wanted to share with my colleagues the many accomplishments of Riverside Community College, the largest institution of higher learning in my congressional district. Its current enrollment is 22,000. The college was established in 1916, making it one of the oldest community colleges in California. On March 13, 1991, Riverside Community College will celebrate its 75th anniversary.

The college offers associate in arts and associate in science degrees, as well as certificates in more than 40 occupational and applied technology fields. The college is opening two major campuses on the same day—March 13, 1991—in Moreno Valley and Norco. During the past decade, four values have been integral to the college and its expansion to a single-college, multicampus district: Teaching excellence, student centeredness, learning environment, and tradition.

As part of its commitment to students, the college solicits and awards more than $250,000 in scholarships to students each year, and it is presently completing a successful $1 million endowed scholarship campaign.

Riverside Community College is an important resource for our community, but it also has made its mark nationally. In the past year alone, RCC fielded State and national football champions; the RCC Marching Tigers was the first band ever to be chosen as the lead unit in the Hollywood Christmas Parade, the Tournament of Roses Parade in Pasadena, CA, and Macy's Thanksgiving Day Parade; RCC's Forensics Team was ranked third in the Nation; RCC was chosen as a national site for hydrogen energy research and development; and, RCC was one of only six California colleges to be selected as a site for a Center for International Trade Development.

It is with pride that I ask my colleagues to join me in saluting this very special institution on its 75th anniversary.

SUPPORT FOR U.S. FORCES IN THE PERSIAN GULF

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SAWYER. Mr. Speaker, on January 18 this House passed a resolution expressing our unequivocal support for the members of the Armed Forces stationed in the Persian Gulf. This measure, passed without opposition in both Chambers, represented the dedication of Congress to the welfare of our troops abroad. All across the Nation, American citizens joined in strong support of the men and women who served in the Persian Gulf war. As one expression of this common purpose, the city council of Fairlawn, OH, a community in the 14th District of Ohio which I represent, adopted the following resolution on February 18. I would respectfully request that it be included in the RECORD.

A RESOLUTION SUPPORTING ALL MEMBERS OF THE ARMED SERVICES NOW SERVING THE UNITED STATES OF AMERICA IN THE PERSIAN GULF

Whereas, numerous men and women are now serving as members of the Armed Services of the United States of America in the Persian Gulf, and;

Whereas, regardless of personal opinion concerning the war, the United States has made the decision to place armed combat troops in that area of the world, and;

Whereas, the full support and gratitude of the residents of the City of Fairlawn is extended to those who are bravely and proudly serving our country: Now, therefore, be it *Resolved by the Council of the City of Fairlawn, Ohio:*

Section 1: That the Administration and Council hereby express to President George Bush and all members of the Armed Forces of the United States of America their wholehearted support and gratitude in their efforts to liberate Kuwait and end the oppression of the Iraqi government.

Section 2: The Mayor and Council hereby urge all citizens to voice their gratitude and support of each man and woman now serving our country in the Persian Gulf.

Section 3: That it is hereby found and determined that this legislation complies with Section 121.22, O.R.C. regarding notification of meetings and all deliberations of this Council pertaining hereto have been conducted in accordance therewith.

Section 4: That the Clerk be requested to send a copy of this Resolution to President Bush, Senators Metzenbaum and Glenn, and Congressmen from this area.

Section 5: This Resolution shall be in full force and effect from and after its adoption and approval by the Mayor or at the earliest period allowed by law.

RECOGNITION GIVEN TO C. RASEH NAGI OF BROOKLYN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SCHUMER. Mr. Speaker, today I would like to call attention to a highly respected educator in my community, C. Raseh Nagi. Since 1963, Ms. Nagi has served as an outstanding teacher, administrator, and innovator in the field of education. In recognition of her dedication and her outstanding gifts, she has recently left district 22 in Brooklyn to assume the position of superintendent of district 28 in Queens. We are sad to see her go, for she will be sorely missed by the students, parents, and fellow educators of Brooklyn.

Raseh has been a leader throughout her career as an educator. From her first days as a

fledgling teacher at Roy H. Mann in I.S. 78, she proved that creativity and dedication on the personal level can have a dramatic impact on the education of our children.

Ms. Nagi has had so many outstanding achievements in her long and distinguished career that there are literally too many to list. Nevertheless, some of her accomplishments are so vital to our community that I cannot pass up this opportunity to mention them. For instance, Raseh developed a foreign language program which received the James E. Allen Distinguished Foreign Language Program Award, and was instrumental in establishing the Center for Intellectually Gifted Students at J.H.S. 240. In her administrative capacity, she personally investigated and wrote proposals which increased the number of competitive grants received by the district by $10 million.

Raseh is also widely respected in our community and throughout the State as an innovative educator of the first degree. For example, she created a student-based computer data bank capable of enabling district 22 to more closely follow the educational progress of pupils from prekindergarten through junior high school. Brooklyn is also extremely proud of the district's Early Identification Learning Disabilities Program, which Ms. Nagi developed and which was the first program of its kind in the State.

Ms. Nagi has been a crusader in education during her career at district 22. The many programs she developed over the years will undoubtedly have a continuing impact on district 22 for years to come. I would like to take this time to commend her for her past accomplishments, to thank her on behalf of the parents and children of Brooklyn, and to encourage her to continue her record of outstanding service in the future as superintendent in district 28.

ST. PATRICK'S DAY 1991

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. GILMAN. Mr. Speaker, I am pleased to rise again this year to call to the attention of our colleagues to the fact that St. Patrick's Day is nearly upon us. This feast is not only the national holiday of the Republic of Ireland, it is also a special day for the Irish and the Irish at heart throughout the world.

Some 1,500 years have gone by since St. Patrick drove out the snakes and converted the Emerald Isle. It is altogether fitting and proper that St. Patrick be remembered on this day, for he has served as a constant inspiration to the Irish for the past 15 centuries.

With the light of democracy and freedom now shining forth from the darkest points, and with the liberation of Kuwait, we are reminded it is inspiration, faith, and perseverance that is so surely needed in Northern Ireland. Tragically, the fundamental divisive problems in Northern Ireland remain the same, despite the overwhelming worldwide changes.

Unemployment in Northern Ireland remains among the highest in all of Western Europe. While changes have been made in the Fair Employment Act, we must make certain that the deep-rooted economic discrimination in Ireland is ended.

For this reason, I continue to heartily support the MacBride principles for American firms doing business in Northern Ireland. These principles of fair employment and antidiscrimination serve as a model for a future generation of employment opportunities.

Further, since American companies provide for over 10 percent of employment in Northern Ireland, we have the opportunity to moral obligation to fight against the discrimination in Northern Ireland.

On a more positive note, we are elated by the imminent release of the Birmingham Six after almost 17 years of imprisonment. During the recent High Court hearing in London, the British Director of Public Prosecutions, Sir Allan Green, stated that the convictions of the six were neither "safe nor satisfactory." However, as you may know, the six defendants have decided to press on with an appeals court hearing in order to fully prove their innocence beyond any doubt.

Regretably, Joe Doherty must continue his struggle for freedom. On several occasions since his imprisonment in 1983, judgment has been rendered in favor of Joe Doherty in court hearings in the United States, yet he still remains in the Metropolitan Correction Center in New York. His case will now be brought before the highest court in the land, our U.S. Supreme Court, in order to settle the question of his right to a hearing on political asylum. It is hoped that the facts will triumph and after 7 years of imprisonment, Joe Doherty will finally be able to seek asylum in the United States.

Mr. Speaker, let us pause on this St. Patrick's Day to reflect on the events that have taken place throughout the world during the past 8 months, and to resolve to work toward a just and longlasting peace for the too-long-embattled island of Ireland so that they too may enjoy the fruits of liberty, justice, and freedom.

THE TIME FOR BILLBOARD REGULATION IS NOW

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. ANDREWS of Texas. Mr. Speaker, upon passage of the Highway Beautification Act in 1965, President Lyndon Johnson said he hoped the bill would "bring the wonders of nature back into our daily lives." At the personal urging of Lady Bird Johnson, Congress passed this landmark legislation and gave a clear mandate for the preservation of the scenic resources along our Nation's roadways. To President Johnson, billboard control was an important step toward improving our quality of life.

Twenty-six years later, many Americans certainly agree. Our country's increasingly large, increasingly numerous billboards are irritating eyesores, ruining the scenery along our highways and detracting from the beauty of our country. They have also become an impediment to attracting new jobs to Houston. Regrettably, our city currently has more billboards than most cities in America. This is an honor we can do without.

While the Highway Beautification Act was initially successful in controlling the number of billboards in this country, the law has been ignored, indeed perverted by a small but powerful group of billboard lobbyists. The sad fact is that every year, five to six times more signs are put up than taken down. A complete distortion of the Highway Beautification Act's original intent.

This distortion was primarily the result of a devastating amendment the billboard industry managed to push through Congress in 1978 which required cash payment for nonconforming signs that were removed. In one crippling stroke, the amendment assured that cities like Houston could simply not afford to require billboard removal, especially since the billboard lobby also worked to cut back Federal matching funds.

Houston, for example, which established size and height criteria for billboards and banned new off-premise signs in 1980, cannot require nonconforming signs along Federal highways to be removed. Even the city's modest efforts to fine owners of illegal signs have been stymied by lawsuits and a successful lobbying blitz in 1985 that severely weakened our city ordinance through State legislation.

While repeated efforts in Congress to rectify this troubling situation and restore the original goal of Lady Bird Johnson have been unsuccessful in the recent past, a new chance to eliminate the billboard blight has arrived.

The Visual Pollution Control Act of 1991 is being introduced today by my colleagues, John Lewis and Clay Shaw. I am proud to be a cosponsor of this important piece of legislation because it represents a significant opportunity for positive change.

The bill has several strong provisions to control billboards. Most importantly, it would restore to State and local governments the ability to use their own land use authority to control or remove existing billboards. It also imposes a moratorium on construction of new billboards along Federal highways. Finally, this measure would prohibit the billboard industry from destroying trees on public lands simply to make the signs more visible. It should also be noted that the bill will not require the removal of any legally erected billboards.

During the original debate over billboard control, President Lyndon Johnson argued that "it is in the best interest of neither the advertising industry nor the Nation to permit a further decrease in our natural beauty." I agree wholeheartedly with President Johnson's sentiments. In these times of devastating pollution and increasing urban erosion, I believe we must be diligent in our efforts to preserve our remaining scenic resources.

Mr. Speaker, the time has come for those of us who want to bring the wonders of nature back into our daily lives to restore the strength of the Highway Beautification Act. I look forward to working with my colleagues in the days ahead toward passage of the Visual Pollution Control Act of 1991.

AMERICAN SMALL BUSINESS—OPPORTUNITY TO HELP REBUILD KUWAIT

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. ECKART. Mr. Speaker, I am introducing a resolution exhorting the Small Business Administration [SBA] and other governmental agencies to provide assistance to American small businesses seeking to aid in the rebuilding of Kuwait.

Mr. SISISKY and I, and others in Congress, as well as the small business community are concerned that large corporations will dominate the contract award process and very competitive small businesses will be shut out.

Small businesses in northeast Ohio and other areas of the country are tremendously competitive, and in large part responsible for keeping our trade deficit from growing even more. But it is very difficult for smaller businesses to gain access to a contract bidding process that occurs half way around the world. Our agencies can help them get that access.

This resolution also urges SBA to conduct a public information campaign to advise small businesses about the opportunities in the gulf.

More than half of the men and women serving in the gulf will return to jobs with small businesses. Those firms deserve to be afforded the same opportunities as other businesses.

Small business owners know that successful international trade is becoming an increasingly important part of our economic vitality. Those who have called my office, those I've spoken to, realize that opportunities are available. They want a chance to participate.

COMMON GROUND: A COMMUNITY RESPONSE TO THE PERSIAN GULF CRISIS

HON. MIKE KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. KOPETSKI. Mr. Speaker, the country stands united in gratitude for the men and women who serve in our Armed Forces and the work they have accomplished. As many observed in this Chamber, this was not a time to allow disagreement over tactics degenerate into partisan bickering.

Recently, I received a letter from a constituent and friend of mine, the Honorable Charles Vars, mayor of Corvallis, OR. On February 12, 1991, citizens representing 12 diverse groups with differing views and opinions on the gulf situation met and formulated an eloquent statement, entitled, "Common Ground: A Community Response to the Persian Gulf Crisis." I am entering this statement, as well as Mayor Vars' promulgating letter, into the RECORD, and I encourage my colleagues to read it and share it with your constituents.

OFFICE OF THE MAYOR,
Corvallis, OR, February 21, 1991.

Hon. MIKE KOPETSKI,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. KOPETSKI: On February 12, 1991, a remarkable event took place in Corvallis. Individuals from more than twelve groups that disagree about the Persian Gulf war reached an agreement that they hope will become the basis for a movement.

The twenty-two individuals who drafted the enclosed statement, "Common Ground: A Community Response to the Persian Gulf Crisis," are affiliated with the American Legion, the Oregon State University Coalition to Stop the War, Veterans of Foreign Wars, Alpine School District, First Presbyterian Church, Beyond War, Corvallis City Council, and many more. They are seeking support from the groups to which they belong and they have asked me to send you their statement and request that you help spread the message of reconciliation.

This group has no agenda other than the one stated in Common Ground. They want everyone to work to assure enmity, harassment, and violence do not occur in this nation within communities and families. They believe we all desire a world without war. Please help spread the message.

Sincerely,

R. CHARLES VARS, Jr.,
Mayor.

COMMON GROUND: A COMMUNITY RESPONSE TO THE PERSIAN GULF CRISIS

We are concerned that the nation, communities, friends, and sometimes families find themselves divided as the Persian Gulf crisis progresses. In some communities, this has led to enmity, harassment, and violence. We are determined to make an effort so that it not happen in our community.

We recognize that we disagree as to what our national policy should be. But we find that there are areas upon which we can agree and which can be stated succinctly and simply:

1. We see a possibility that the emotional trauma of the conflict may lead to over-generalization concerning differences of opinion, religion, or race and lead to suspicion, harassment, discrimination, or violence. We pledge ourselves to work to prevent that from occurring in our community.

2. We deeply respect the sanctity of all human life.

3. There is sometimes a tendency to stereotype and villainize those with whom we disagree. There are people of good will on all sides.

4. We disapprove of wars of aggression.

5. We have disagreements among ourselves about national policies, but we disapprove of the invasion of Kuwait by Iraq.

6. The death, abject misery, pain, and suffering of combatants and civilians alike, along with the destruction and damage to the economic systems, infrastructure, and environment caused by war, defy description. A quick end to fighting in the Middle East could limit the costs.

7. Support for people in the armed services and their families must be rendered by the community and the nation during and after the war.

8. All of us long for a world order under the leadership of a strong international peacekeeping body. We desire a world without war.

TOP GUN AWARD WINNERS

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. GIBBONS. Mr. Speaker, once again it is with great pleasure that I rise today to recognize an outstanding group of schools in my community which have been honored for their achievements under chapter 1 of the Education Consolidation Improvement Act.

I am referring to 64 public and private elementary schools in Hillsborough County, FL, which are being honored as "Top Gun" schools. This award recognizes their achievements in scoring at or above the State exemplary level on their reading and mathematics test scores.

As you know, the chapter 1 basic program is part of the largest Federal-aid-to-education program in history. Chapter 1 classes provide remedial reading and math programs over and above what is normally available for all students.

ECIA plays an important role in the battle against illiteracy and is recognized nationwide for its contributions to educational advancement. On Monday, March 11, Hillsborough County Public Schools will hold its third annual awards ceremony and banquet to honor those schools which have worked so diligently to achieve results above and beyond what is normally expected.

Mr. Speaker, for the RECORD, I would like to insert the names of those outstanding schools with my deep appreciation for a job well done.

CHAPTER 1 BASIC "TOP GUN" SCHOOLS

READING

*Anderson	*Mitchell
*Apollo Beach	*Mt. Calvary
*Ballast Point	*Oak Park
**Bellamy	*Orange Grove
*Broward	*Pinecrest
*Bryan, Tampa	*Potter
*Burney-Simmons	*Riverhills
*Cahoon	*Riverhills Christian
*Chiaramonte	*Riverview
*Christ the King	*Robinson
*Clairmel	*Roosevelt
*Cleveland	*Sacred Heart
*Cork	*Shaw
*Crestwood	*Shore
*Dickenson	*St. Joseph
*Dunbar	*St. Lawrence
*Edison	*St. Patrick
*Egypt Lake	*St. Peter Claver
*Foster	*Sulpher Springs
*Grady	*Tampa Bay
*Graham	*Thonotosassa
*Jackson	*Tinker
*Just	*Town & Country
*Lanier	*Trapnell
*Lee	*Twin Lakes
*Lincoln	*Villa Madonna
*Lockhart	*West Shore
*Lomax	*West Tampa
*Mabry	*Williams
*Mango	*Wimauma
*McDonald	*Witter
*Mendenhall	

MATHEMATICS

*Broward	*Clairmel
*Bryan, Tampa	*Foster
*Cahoon	*Grady
*Christ the King	*Graham

*Incarnation
*Just
*Lanier
*Lockhart
*McDonald
*Mt. Calvary
*Pinecrest
*Riverhills Christian
*Sacred Heart
*St. Joseph
*St. Lawrence
*St. Patrick
*Sulphur Springs
*Thonotosassa
*Tinker
*Trapnell
*Twin Lakes
*Villa Madonna
*West Tampa
*Wimauma

DR. CARL E. WILLIAMS, SR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. TOWNS. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to an outstanding individual in the Brooklyn, NY, religious community, Dr. Carl E. Williams.

Dr. Williams was born in Burgaw, NC, on March 7. He was raised in a steadfast religious environment. As a result of his careful upbringing, he was inspired to preach the word of God.

With his extensive qualifications and background it is clear to discern how he has become the inspirational leader that he is today. He attended Brooklyn College, Gammon Theological Seminary in Atlanta, Shelton College in New York City, and Trinity Hall College and Seminary in Springfield, IL.

Dr. Williams is best known for his ability to serve the community in whatever capacity that he is needed. Many are thankful to him for helping them to overcome various problems that they have endured. For example, he has worked with programs dealing with antipoverty, day care, and juvenile delinquency. He has been instrumental in completing housing units, such as the St. Nicholas Houses in Manhattan and the Institutional Houses in Brooklyn. Also, he has helped to start the New York Christian Academy, a Bible college, a nursing home, and a senior citizens complex.

For many years he has worked with community organizations. For example, he is affiliated with the Ministers Alliance in Brooklyn, the National Council of Churches, and the Brooklyn Protestant Council of Churches. Since its inception, Williams has been very active with the Church of God in Christ International. In 1951, he became the pastor of the Institutional Church of God in Christ, which he and his wife Elvonia founded. Moreover, the church has grown so immensely since that time that it had to relocate to a new facility located at 170 Adelphi Street in Brooklyn, NY.

Within the Church of God in Christ International, he has served in many capacities such as chairman of the board of directors, chairman of Christian Education, and diocesan bishop of New York, Connecticut, and Florida. In 1976, he was appointed vice presiding bishop and chairman of the college of bishops. In 1978 he was elected senior presiding bishop titular head of the church.

It is important to recognize persons such as Dr. Williams who have used their energies to positively effect others. He has been a dedicated worker, as well as an inspiration to the people of Brooklyn. No matter if the need has been for food, shelter, education, or assistance in spiritual development, he has unselfishly stood up as a forerunner for humanity.

TRIBUTE TO WENDELL GIVENS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. HUBBARD. Mr. Speaker, Wendell Givens, a highly respected former editor of the Mayfield Messenger, a 6-days-a-week newspaper in my hometown of Mayfield, KY, died last December 10, at age 62 at Mayfield's Community Hospital.

Wendell Givens worked for the Mayfield newspaper for almost 30 years, retiring last October.

Those of us who knew and were friends of Wendell Givens remember him as an outstanding journalist whose integrity, fairness, and efficiency were truly extraordinary.

Givens was hired as a reporter-photographer in June 1963 by the late Ray Edwards, former Messenger publisher.

Prior to being named as its editor, he worked as the paper's sports editor and later spent several years in the paper's graphics department before returning to the news department where he remained until his retirement.

Givens was a 1946 graduate of Mayfield High School, and obtained his degree in journalism from the University of Missouri in 1950.

A veteran of the Korean war, Givens taught English at Symsonia High School and was later employed at the Union Carbide plant near Paducah, prior to joining the staff at the Messenger.

In addition to his work with the newspaper, Givens served with several civic and industrial organizations and/or boards, including the local community development agency and the Optimist Club, among others.

In commenting on his retirement in October, Messenger Editor Mike Turley said:

> Wendell's three decades of service to this community as an articulate, caring and responsible journalist have been invaluable in the day-to-day operations of this newspaper.
>
> His efforts—notably, the detailed series of "Purchase Personality" profiles he's written for scores of interesting individuals from across the area—touched the lives of many. They included not only those about whom he was writing, but also the thousands of readers who were able to share in the enjoyment, entertainment and education—provided by those profiles—through his words.
>
> And, prior to his work as a feature writer, Wendell was recognized by a whole generation of young athletes in this area when he worked as the paper's Sports Editor.
>
> As a reporter and an editor, Wendell probably has more experience in dealing with more officials and administrations in both the city and county governments here than anyone now connected with any local media outlet.

"His experience as a reporter and editor and his talents as a writer will be sorely missed at the paper," Turley added. "But the personal friendship he nurtured among the staff will be missed even more. And, the example he set as a calm, quiet man of character and integrity will be the absence felt most of all."

His survivors include his talented and attractive wife, Joanne, one son of whom he was so proud—Steve Givens, of Carlsbad, NM, and his dear mother, Mrs. Nester J. Givens of Mayfield.

My wife, Carol, and I extend to Joanne, Steve, and Mrs. Nester Givens our sympathy.

EDITH AND DENNIS MEHIEL: FAMILY OF THE YEAR

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mrs. LOWEY of New York. Mr. Speaker, the Young Israel "Family of the Year" is being honored this Sunday. This year's recipients truly merit this lofty distinction. Dennis and Edith Mehiel of Armonk, NY, have set an example of community service that any family would do well to emulate.

Dennis Mehiel is a shining model of individual success. With the help of a small business administration loan, Dennis and his brother, Chris, founded the Four M Corp. in 1966. Thanks to the drive and energy of its founders, Four M has become a packaging powerhouse, employing over 1,400 people in 19 plants nationwide.

Dennis' prodigious talents have not been focused only on his business, however. He has always seen community service as an important part of his life, and has devoted countless hours to a variety of civic and charitable organizations. He is a trustee of the Windward School for children with learning disabilities in White Plains, and a former trustee of the Purnell School in Pottersville, NJ, a unique institution serving girls who have faced difficulties in traditional competitive schools.

He also serves on the American board of overseers of Israel's Bar-Ilan University, and is the first non-Jew to ever serve on the board of governors of Yeshiva University's Wurzweiler School of Social Work. He is a member of the advisory boards of the Mount Vernon Neighborhood Health Centers and the Hellenic American Neighborhood Action Committee. Additionally, he is a former director of Family Services of Westchester and United Way of Northern Westchester.

I would especially like to commend the fine job that he is doing as chairman of our Westchester County Democratic Party, where his efforts have been greatly appreciated.

Edith Mehiel has also made a number of significant contributions to the life of the Westchester community. She is a board member of the Westchester Conservatory of Music, and has lent her abilities to the Northern Westchester Center for the Arts, the Council for the Arts in Westchester, and the March of Dimes. She is also engaged in a variety of worthwhile projects in conjunction with the Church of the Holy Trinity. It is safe to say that Westchester County is truly a more beautiful place thanks to the efforts of Edith Mehiel.

I offer my sincere congratulations to Dennis, Edith, and their five children, as well to Young Israel for having the wisdom to recognize that this truly is the Family of the Year.

REMARKS BY MR. HYMAN BOOKBINDER

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Ms. NORTON. Mr. Speaker, Hyman Bookbinder has been one of the great warriors against poverty and inequality in our generation. He has spent his life seeking to bridge misunderstanding and to promote unity of purpose among groups that have been excluded from the full measure of the American promise. With seeming limitless energy, he continues the struggle. No wonder he was honored, along with the distinguished former Chief Judge Spotswood Robinson of the U.S. Court of Appeals for the District of Columbia, at the Martin Luther King, Jr., holiday celebration recently held at the Israeli Embassy. I insert Mr. Bookbinder's remarks into the RECORD:

REMARKS OF HYMAN BOOKBINDER AT KING HOLIDAY SERVICE

I cannot conceive of any ceremony or any personal honor that could be more gratifying than this one. I do not exaggerate when I say this, because in this single event there is blended in the most poignant manner the two central themes and goals of my personal and professional life for half a century. To be honored for my efforts over the years to help make real our nation's commitment to equality—and to do it in the Embassy of the State of Israel—is to dramatize what I have felt all my life and which I have tried to get others to understand. The right of blacks and Hispanics and Native Americans, of every group, of women, to be treated fairly and to be accepted as full partners in our pluralist society is part of the general struggle for freedom that includes the right of my people, the Jewish people, to be treated fairly and be accepted as full partners in a pluralist world. The struggle for Israel's security is a vital part of that universal struggle for freedom.

Today's ceremony is one more manifestation of Jewish commitment generally, and to Israel's commitment specifically, to the dream for social justice so forcefully and eloquently articulated by Martin Luther King. Only one month ago, I was moved by an example of how this commitment is not theoretical, but one implemented in reality. Riding in a bus from the Tel Aviv airport to Jerusalem, the Israeli guide told us that on that day a record number of immigrants had arrived, over 2000, including some 300 black Jews from Ethiopia. And then, her voice cracking, she told of the scene she had personally witnessed only hours earlier. "I saw two Ethiopian Israelis," she said, "emotionally embracing their two young children from whom they had been separated when they left for Israel seven years earlier."

I feel compelled to ask this question. What other country, white or black, has applied itself so diligently to bring in tens of thousands of black people and make full citizens of them?

That this recognition today should come in connection with the King holiday makes it especially precious. I was an early supporter of the legislation, and I testified several times, emphasizing that such a holiday would not only be honoring a great American, a great black American, but would give all Americans the opportunity to remember the universal message of justice and brotherhood that Reverend King had preached.

I shall never forget that moment when the Senate was about to cast the vote that would mean final passage of the measure. I had been invited to sit in a reserved Senate gallery, and found myself sitting right behind Coretta King. When the overwhelming vote was announced, the Senators looked up and waved at Mrs. King. She smiled back and turned to embrace her two sons seated by her side. She then turned around, embraced me, and said, "This holiday is for you too." She couldn't have said anything more appropriate. That is what I'd been trying to say all along. I could only hope that all my fellow Jews, and all Americans, would see it that way.

I have a final story to tell. It too reminds us that despite differences that do exist between blacks and Jews on particular issues from time to time, we can and do share one another's pain, we can and do unite on common goals. It was ten years ago. Bayard Rustin and I were members of President Carter's Commission on the Holocaust. We were among the 15 Americans who were on a mission to Europe to examine concentration camps and Holocaust memorials, to help us make appropriate recommendations for an American memorial. On the third or fourth day, we were at Birkenau, the murder factory next to Auschwitz. An outdoor memorial service was being held. Elie Wiesel, our chairman, spoke as only he can. A cantor chanted the sacred prayer for the dead. As we were about to depart, Bayard's eyes caught mine. Instinctively, I just said, "Would you?" He nodded, and I asked the group to remain. Bayard spoke no words. Accompanied only by the soft winds of the vast expanse, he started to sing.

Oh, freedom, oh freedom, oh freedom over me;
And before I'd be a slave,
I'd be buried in my grave,
And go home to my Lord and be free.

At that moment, on the spot where millions of Jews had been consumed, tears were being shed in their memory, but also in memory of the millions of blacks robbed of their dignity and their freedom over the years.

At this moment, here, let us once again pledge to try to understand each other's pain—but also to share each other's prayers for peace and freedom for all people.

THE SPACEPORT FINANCING ACT

HON. E. CLAY SHAW, JR.

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SHAW. Mr. Speaker, today I, along with my Florida colleague Mr. BACCHUS, have introduced legislation that will promote and enhance America's ability to compete in the commercial space industry in the 21st century. The U.S. space program is in the process of restructuring in response to foreign competition, new technology needs, and Federal budget limitations. This restructuring process has presented the States with unique opportunities to develop inventive programs aimed at assisting the national space effort, and to develop mutually beneficial partnerships to share the task of maintaining U.S. leadership in space enterprise.

In 1989 the State of Florida created the Nation's first space transportation authority. The Spaceport Florida Authority was created to stimulate the development of a commercial launch facility and related infrastructure at Cape Canaveral and Cape San Blas, FL. The spaceport's mission will assist in the revival of the U.S. aerospace industry in an increasingly competitive international market.

The legislation Mr. BACCHUS and I have introduced today would simply clarify that the interest earned on bonds issued by the Spaceport Florida Authority would be exempt from Federal taxation. We already provide this tax treatment for bonds issued to finance airports, docks and wharves, mass commuting facilities, and high-speed intercity rail facilities. The development of commercial space industry in the United States is no less important.

Finally, let me be careful to note that this legislation, while promoting maximum benefit at minimum cost, will not only benefit Florida, but the entire Nation. It will aid and encourage the development of spaceport infrastructure across the country, and move us into the 21st century. I am submitting along with this statement for inclusion in the record a description of present law and explanation of proposed amendment.

THE SPACEPORT FINANCING ACT

DESCRIPTION OF PRESENT LAW

Present law allows exempt facility bonds to be issued to finance certain transportation facilities, such as airports, docks and wharves, mass commuting facilities, high-speed intercity rail facilities, and storage or training facilities directly related to the foregoing. Except for high-speed intercity rail facilities, these facilities must be owned by a governmental unit to be eligible for such financing. Exempt facility bonds for airports and docks and wharves are not subject to the private activity bond volume cap. Only 25% of the exempt facility bonds for a high-speed intercity rail facility require private activity bond volume cap.

Airports

Treasury Department regulations provide that airport property eligible for exempt facility bond financing includes facilities that are directly related and essential to servicing aircraft, enabling aircraft to take off and land, and transferring passengers or cargo to or from aircraft, but only if the facilities must be located at, or in close proximity to, the take-off and landing area to perform these functions. (See Treas. Reg. Sec. 1.103-8(e)(2)(ii)(a).) The regulations also provide that airports include other functionally related and subordinate facilities at or adjacent to the airport, such as terminals, hangers, loading facilities, repair shops, maintenance or overhaul facilities, and land-based navigational aids such as radar installations. (See Treas. Reg. Sec. 1.103-8(e)(2)(ii)(b).) Facilities the primary function of which is manufacturing rather than transportation are not eligible or exempt facility bond financing. (See IRC Sec. 142(c)(2)(E); see also Rev. Rul. 77-186, 1977-1, C.B. 22 (facility primarily used for constructing supertankers); Rev. Rul. 77-324, 1977-2, C.B. 37 (facility primarily used by a manufacturer for customizing and structurally modifying new aircraft).)

Public use requirement

Treasury Department regulations provide generally that, in order to qualify as an exempt facility, the facility must serve or be available on a regular basis for general public use, or be a part of a facility so used, as

contrasted with similar types of facilities that are constructed for the exclusive use of a limited number of nongovernmental persons in their trades or businesses. (See Treas, Reg. Sec. 1.103-8(a)(2) & 1.103-8(e)(1).) For example, a private dock or wharf leased to and serving only a single manufacturing plant would not qualify as a facility for general public use, but a hangar or repair facility at a municipal airport, or a dock or a wharf, would qualify even if it is leased or permanently assigned to a single nongovernmental person provided that such person directly serves the general public, such as a common passenger carrier or freight carrier. Certain facilities, such as sewage and solid waste disposal facilities, are treated in all events as serving a general public use although they may be part of a nonpublic facility, such as a manufacturing facility used in the trade or business of a single manufacturer.

Federally guaranteed bonds

Bonds directly or indirectly guaranteed by the United States (or any agency or instrumentality thereof) are not tax-exempt. (See IRC Sec. 149(b).) The Treasury Department has not issued regulations interpreting the prohibition of federal guarantees and the scope of the prohibition is unclear.

EXPLANATION OF PROPOSED AMENDMENT

The proposed amendment clarifies that spaceports are eligible for exempt facility bond financing to the same extent as airports. As in the case of airports, the facilities must be owned by a governmental unit to be eligible for such financing.

The term "spaceport" includes facilities directly related and essential to servicing spacecraft, enabling spacecraft to take off or land, and transferring passengers or space cargo to or from spacecraft, but only if the facilities must be located at, or in close proximity to, the launch site to perform these functions. Space cargo includes satellites, scientific experiments, and other property transported into space, whether or not the cargo will return from space. The term "spaceport" also includes other functionally related and subordinate facilities at or adjacent to the spaceport, such as launch control centers, repair shops, maintenance or overhaul facilities, and rocket assembly facilities that must be located at or adjacent to the launch site.

The successful commercial exploitation of space cannot be achieved without the direct support and involvement of the federal government. It is intended that spaceports shall be treated in all events as serving the general public, and that the use of spaceport facilities by the federal government will not render such facilities ineligible for exempt facility bond financing. In addition, it is intended that payments by the federal government of rent, user fees, or other charges for the use of spaceport property will not be taken into account in determining whether bonds for spaceports are federally guaranteed as long as such payments are conditioned on the use of such property and are not payable unconditionally and in all events.

RECOGNITION OF BARNETT AUGUST

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. GREEN of New York. Mr. Speaker, I rise today to recognize my constituent and good friend, Barnett August. Barney has been chosen as the Bowling Green Association's honoree for the Lifetime Of Achievement Award in appreciation of his many years of service to the city of New York.

Mr. August has been the honorary executive vice president of the East Side Chamber of Commerce since 1927, and as such, he is currently the longest serving chamber executive in U.S. history. Throughout his tenure, Barney was responsible for several projects which have improved the community. He should be most proud of his efforts to advance the first public housing project in the United States, the Astor Houses in New York City. He also organized many other public housing projects in the area.

In addition to his position on the East Side Chamber of Commerce, Barney August has held several other prestigious posts such as serving on the advisory board of the U.S. Chamber of Commerce, and as past president of the Civic Executive's Conference of Metropolitan New York. The East Side Chamber gives an annual award known as the Barnett August Public Service Award to individuals who have demonstrated their dedication to serve the people of New York City. That alone illustrates the recognition that Barney has received as a proven public servant.

I should like to congratulate Barney upon receiving this important award from such a dignified organization as the Bowling Green Association. It is my hope that he continues his efforts to better the city of New York.

ESTABLISHING A NEW WORLD ORDER REQUIRES TRUE ACHIEVEMENT FOR HUMAN RIGHTS

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. ANDREWS of Texas. Mr. Speaker, after defeating tyranny in the Persian Gulf, Americans are proud and thankful that we were able to confront Saddam Hussein's aggression and fight human rights abuses in Kuwait. What we have so far accomplished with our coalition partners is truly the first steps down the path of a new world order.

However, continuing to achieve that new order means addressing old problems, namely the continued human rights abuses in countries like Cuba, China, the Soviet Union and many others.

Eleanor Roosevelt once said "Where do universal human rights begin? In a small place, close to home * * *. They are in the world of the individual person: the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal dignity without discrimination."

As Americans, we believe that the denial of human rights in a country is not just an internal affair; it is a matter for the world. Our foreign policy has traditionally included concern for the life, liberty, and welfare of the individual citizens of other nations. Therefore, the United States has the responsibility to the improvement of the human rights conditions in the world.

Congress has a long history of trying to improve human rights around the world. Sometimes it is our expression of outrage. Sometimes it is the thousands of letters we have written. Sometimes it is our policies and diplomacy that try to correct inhumane treatment. Very often, Congress is successful. For instance, when anti-Semitism was on the rise in the Soviet Union, subjecting Soviet Jews to tremendous violence, it was our voice and letters that helped them seek their freedom. In South Africa, the continuing changes there have come from American pressure. In Eastern Europe, the reawakening of freedom and democracy came after years of concern and action from this very Chamber.

Communism has long been the greatest threat to the United States, and we have seen those Marxist countries take great strides in implementing democratic and economic reforms. But the human rights conditions in those countries are still the concerns of Congress. The most recent incident is the use of force by Soviet military on January 13, in Lithuania which resulted in at least 14 deaths and more than 100 wounded. A week later in Latvia, 4 died and at least 9 were wounded in a Soviet military assault on the Latvian Interior Ministry. Congress immediately passed a resolution condemning the use of Soviet military force in the Baltic States, indicating that although we were immersed in the Persian Gulf conflict, we were not blinded to human rights abuses elsewhere.

Nearly 2 years ago, China's brutal repression of the thousands of peaceful students and workers in Tiananmen Square was appalling. Congress was able to pass a bill mandating economic measures against China and placing several stringent human rights conditions on the continuation of China's most-favored-nation trading status.

But when the world's attention was focused on the Persian Gulf, the Chinese Government prosecuted and sentenced the pro-democracy activists. Many of those who were prosecuted had been detained for more than 18 months without formal charges. They, as the State Department stated, "were guilty of nothing more than the peaceful advocacy of democracy." There are a lots we need to do in this part of the world.

In Central America, the human rights violations are the greatest concern to the United States. Congress has pressed those countries to improve their human rights conditions, but there are more we need to do. For instance, Guatemala has been referred by human rights monitors as having one of the worst human rights situations in the world. Between 1986 and 1989, Amnesty International documented more than 222 political disappearances and

Guatemala's assistance procurator recorded 243 political killings in the first 7 months of 1990 alone. According to Amnesty International, evidence has come to light that Guatemala city police and private security personnel have harassed, beaten and, in some instances, killed street children. The political violence has reached a disturbing level in recent months.

On January 16, 1991, in his inaugural speech, the newly elected President Serrano pledged to protect human rights in his country. This provides us with an excellent opportunity to urge the new President to make human rights a high priority for his government. We hope that Guatemala under the new president can improve its human rights records.

In El Salvador, we were deeply alarmed with the news that six Jesuit priests, their housekeeper and daughter were brutally executed under circumstances that appear to be related to the activity of the right-wing death squads. The killing of the priests is not only tragic but a moral outrage. I hope that Congress can keep on pressing on this issue.

In Nicaragua, we imposed a trade embargo against that country to improve the deteriorating human rights conditions. I am glad to know that the situation has changed since then. The election of President Violeta Chamorro on February 25, 1990, provided a renewed opportunity for stability and improvement of human rights conditions in Nicaragua. Our action on appropriating $300 million in economic aid to the new government in April 1990 to rebuild the devastating economy and support the country's democracy was a right move. I am eager to see more improvements on human rights in that country.

In India, the human rights abuses including extrajudicial killings by the police, particularly in Punjab raised some concerns. The India authorities in attempting to maintain territorial integrity resorted to aggressive tactics. Most of the victims of the violence are unarmed Sikhs. We hope that this kind of brutal repression will never happen again.

Alexander Hamilton said "The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written, as with a sunbeam, in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power."

America's concern for human dignity has always been a central tenet, and we in Congress have the obligation and ability to help improve human rights conditions in the world. We must not turn our heads. We have taken actions in the past and accomplished some achievements. But there is more we need to do to help people pursue their human rights. We must show the politically oppressed that the world knows and cares about their fate.

NORMA JEAN MILLER—A CHAMPION OF CHILDREN AND FAMILIES

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. WHEAT. Mr. Speaker, I am proud to bring to the attention of my colleagues in the U.S. House of Representatives the outstanding contributions made by Norma Jean Miller to the welfare of the children and families of Jackson County, MO.

On March 15, 1991, Ms. Miller's friends and coworkers will gather to wish her well as she retires after 35 years of caring and compassionate service to the juvenile division of the Sixteen Judicial Circuit of Missouri.

The hallmark of Ms. Miller's career has been her commitment to the young people who find their way into the Jackson County juvenile justice system. Her specialty has been getting them back on the right track and keeping them there. Her dedication has meant a better hope for the future for countless Jackson County youths.

Ms. Miller has ably served the court and her community since September 6, 1955. In the past 35 years, she has held a variety of positions, ranging from deputy juvenile officer to supervisor of the aftercare unit, the division responsible for reintegrating children into the community.

Despite the long hours and the demanding circumstances of her job, Ms. Miller has maintained a remarkable level of energy and enthusiasm for her work and is viewed by her colleagues as an invaluable source of institutional knowledge about the workings of the juvenile division.

Among her many contributions to the well-being of young people in the community has been Ms. Miller's longstanding support for programs within the judicial system to aid the victims of child abuse. As manager of the Family Attention Center, she effectively worked to bring parents and children who had been divided by a crisis back together again.

She was also instrumental in developing a children's emergency fund in Jackson County to help supplement the services of the court. The fund provides incidental items—such as a new pair of shoes or a high school ring—that can really make a difference in a young person's life.

Throughout her career, Ms. Miller has touched tens of thousands of lives with her own personal brand of commitment. Her dedication and concern for the youth of Jackson County have set the standard against which all persons in her field are measured.

Therefore, it is with great admiration and appreciation that I salute the tremendous contributions made by Ms. Miller to the children and families of our community. I am pleased to join Ms. Miller's friends and colleagues in honoring her 35 years of service to the juvenile division and wishing her many more years of success.

INTRODUCING CAMPAIGN FINANCE REFORM LEGISLATION

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. OWENS of Utah. Mr. Speaker, as all of us know only too well, our collective desire to retain our seats in this august body has created enormous pressures for further and further campaign spending. In a war of words and wallets, we are escalating toward uncontrollable cost proliferation. It is time for a mutually verifiable campaign-spending freeze.

Nearly $3 billion was spent in 1988 on all elections in the United States, more than five times what was spent in 1976. House and Senate races alone cost $450 million in 1990, a fourfold increase since 1976. In my first election for the House in 1972, I raised $130,000. In the last cycle in 1990, I was forced to raise more than $900,000. Like the Federal deficit, campaign costs are spiraling out of control, but unlike the Federal deficit, campaign costs are relatively easy to control, if we simply exercise the collective will to do so.

We need to exercise that will. Public confidence has been eroded by our costly political battles. We waste too much of our legislative time on fundraising. The institution of Congress is exposed to undue influence. Last year, we took some faltering steps toward reform. This Congress, we must do better.

Obviously, money does not influence how we vote, but the constant chase for contributions interferes with our responsibilities as legislators. We are raising too much. We are spending too much. The system now in place is an insurance policy for incumbents, so the effort to enact campaign finance reform represents a leap of faith and fairness. But self-interest and special interest must give way to the public interest.

One of the major obstacles to campaign finance reform has been the Supreme Court's ruling in Buckley versus Valeo in 1976 that the first amendment's guarantee of freedom of speech would be violated by mandatory spending limits on political races. But there are two ways around that prohibition which I am proposing in two pieces of legislation that I am introducing today.

First, I am introducing a constitutional amendment which will:

Give Congress the power to set its own campaign spending limits.

Extend the terms of Members of House of Representatives from 2 to 4 years. Four-year terms would not only cut campaign costs in half, but also allow Congress to legislate without having to divide its concentration on the nearly perpetual campaign. The country needs fulltime legislators, not legislators torn between their duties and their campaigns every second year as autumn rolls around.

Second, I am also introducing legislation which will: establish a system of voluntary incentives and partial public financing for candidates who restrict their total general election spending to $540,000; limit Political Action Committee contributions to $180,000. There is nothing inherently wrong with the concept of

PAC's—that is, the voluntary contributions of individuals with shared goals—but the relative influence of PAC contributions has become too great when compared to other campaign contributions; limit individual contributions to $180,000. But the bill will also encourage small contributions of $100 or less—total—from individuals residing within a congressional district by not counting them against the candidate's total limit for individual contributions.

They provide $180,000 of public financing to those candidates who voluntarily accept spending limitations through a tax checkoff system similar to that used to finance Presidential elections. I have long believed in the merit of public participation in financing congressional campaigns. I first voted during my first term in the House 17 years ago for public financing of congressional campaigns in a bill then offered by Congressman MO UDALL, one of the most accomplished and distinguished members ever to serve in this body. If challengers are to have any chance at all in most districts partial public financing is essential.

They impose significant penalties on candidates who agree to and then violate voluntary spending limits. If a candidate does not accept these voluntary restrictions, an opposing candidate who does accept them will still receive partial public financing and other benefits without being bound by spending limits, a powerful incentive to all candidates to comply.

And they make media incentives available to those candidates who voluntarily accept the spending limit. Radio and television spots of 1 minute or more which feature the candidate—to discourage negative advertising—would be made available for 50 percent of their normal unit cost. Those candidates who do not accept spending limits would be required to pay 150 percent of normal unit cost.

This approach would reduce the influence of PAC's, promote individual contributions, and level the playing field by providing some public financing for qualified challengers. Given the many ideas currently being discussed in Congress on campaign finance reform and the impasse which has developed between the House and the Senate, I hope these proposals will be carefully evaluated. Although I have always lived within the rules of the campaign financing system, I am becoming more and more aware of its serious inadequacies. We can and should provide the electorate with a competitive election and our opponents with a fair opportunity to present their views to the public. We have put this challenge off for far too long.

RESTORE EXON-FLORIO TO PERMANENT LAW

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SHARP. Mr. Speaker, today I introduced legislation, first authored this year in the Senate by J. JAMES EXON, which would make permanent the very important Exon-Florio provision which provides for the review, investigation and blockage of foreign takeovers that could threaten the national security.

It is very unfortunate that the Exon-Florio provision was allowed to expire last year when the House, Senate, and administration could not come to an agreement on reauthorization of the Defense Production Act. It is very clear that Senator EXON, Representative FLORIO, and other Members who were involved in creating this provision in 1988 intended it to be permanent law. We should quickly restore that original intent, and the Exon-Sharp bill will do just that.

Foreign acquisitions of American firms have not come to a standstill during Exon-Florio's lapse, and a few very controversial bids—such as Fanuc's now-abandoned investment in Moore Special Tool Co.—raise questions as to how the administration could legally deal with a foreign takeover which threatened the national security without Exon-Florio having full force of law and regulation. At this time, the Committee on Foreign Investment in the United States [CFIUS] may be investigating yet another foreign takeover which raises national security concerns. And at this time, if the President needed Exon-Florio authority to enjoin that acquisition, he would not have it. By making Exon-Florio permanent, we will not have to face this grave uncertainty again.

Although the administration and Members of Congress may disagree on how Exon-Florio is being interpreted, there is no real debate on its necessity. Since being implemented by President Reagan's Executive order in December 1988, over 500 Exon-Florio filings have been made with the CFIUS regarding a foreign merger with or acquisition of a U.S.-owned firm. While this raw number is not an accurate barometer of how many of those 500-plus takeover actually raised legitimate national security questions, the CFIUS did find reason to believe that 12 of those foreign takeovers warranted an intensive, second-level investigation. We can only postulate why a few of this group of 12 were abandoned or restructured, because the internal workings of the CFIUS are largely secret.

More importantly, when President Bush used Exon-Florio authority last year to order CATIC, a firm owned by the Peoples Republic of China, to divest itself of its purchase of Mamco Manufacturing, the President firmly established both the legitimacy and the necessity of Exon-Florio. That is because Exon-Florio is the last line of defense: its authority is used only when other laws—such as the International Emergency Economic Powers Act, export control laws, or foreign ownership, control and influence [FOC] regulations are inadequate to protect the national security.

We must restore Exon-Florio—our ultimate defense against threatening foreign takeovers—as soon as possible. At this time, the House and Senate still have differences on how the Defense Production Act will be renewed, but the differences are on other issues, such as financial services. In introducing this bill, I would urge the relevant committees of the House and Senate to assure that in the short-term and long-term extensions of the DPA, permanent Exon-Florio authority is included.

Aside from protecting the national security, there are two other reasons why making Exon-Florio permanent makes sense. First, allowing Exon-Florio to lapse weakens the Congress' institutional leverage on the administration's implementation of Exon-Florio. For those of us who have had reservations that the Reagan and Bush administrations were effectively implementing the law on some of the more controversial cases, loss of our institutional leverage to effectively oversee and encourage improvements, in the Exon-Florio process is detrimental to our constitutional system of checks and balances. Second, having a law of this importance come and go creates tremendous ambiguities for the international business community which are also harmful to America's economic interests. Because the majority of foreign investments in the United States create jobs, economic growth, and foster competitive technological improvements which advance our standard of living, having a permanent and predictable statute on the books increases business confidence.

For all these reasons, Exon-Florio is too important a law to be allowed to lapse ever again. Adoption of the Exon-Sharp bill will provide the President with uninterrupted power to investigate and block foreign takeovers which may threaten our national security. I urge the incorporation of the Exon-Sharp bill into the reauthorization of the Defense Production Act.

SUPPORT THE VISUAL POLLUTION CONTROL ACT OF 1991

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SHAW. Mr. Speaker, today I, my good friend JOHN LEWIS of Georgia, and over two dozen of our colleagues will be introducing the Visual Pollution Control Act of 1991, a bill to restore the original intent of the Highway Beautification Act of 1965. I am confident passage of this legislation will finally bring real progress toward controlling the proliferation of billboards.

The Bush administration, recognizing the need for billboard reform, has proposed similar reform of the existing Federal billboard law in its 1991 highway reauthorization proposal. I applaud the President's efforts to make America more scenic.

Additionally, over 40 national environmental, health, conservation, and public sector organizations support reform of the existing billboard law and have endorsed the Visual Pollution Control Act of 1991.

Like last year's bill, the Visual Pollution Control Act will restore to State and local governments the ability to remove billboards using their own land use authority. Our bill will also place a moratorium on new billboard construction along Federal-aid highways. Finally, our legislation would prohibit the billboard industry from destroying trees on public rights-of-way for the sole purpose of improved billboard visibility.

I believe the Visual Pollution Control Act of 1991 is an improvement upon last year's billboard control legislation [H.R. 3389]. Unlike last year's bill, however, the Visual Pollution Control Act will not require the removal of any legally erected billboard.

The Visual Pollution Control Act of 1991 is needed now more than ever. According to Federal Highway Administration statistics, billboard removals have come to a virtual standstill. During 1986–88, only 2,657 billboards were removed along Federal highways nationwide. However, during the same period, over 47,500 new billboards were constructed. Incredibly, the billboard lobby still claims that the original Highway Beautification Act is working perfectly and reform is not needed. Obviously it is working fine for them, but it is working miserably for those of us concerned with billboard proliferation.

The Visual Pollution Control Act of 1991 will restore the spirit of the Highway Beautification Act, which has been gutted by previous Congresses. Given these facts, I am confident this legislation will be successful.

I am pleased Senator JOHN CHAFEE of Rhode Island has introduced his own billboard control in the Senate. Last year, Senator CHAFEE guided through the Senate Environment and Public Works Committee billboard control legislation. I anticipate legislation success again by that body this year.

But not all the action to control billboards has been confined to Washington. States and local communities have been active in passing legislation that regulates billboards. Recently Rhode Island joined Hawaii, Alaska, Vermont and Maine in banning new billboard construction. Overall, in just the past 4 years, more than 500 cities and counties have enacted new regulations to control the proliferation of billboards. On June 20, 1990, the U.S. Conference of Mayors unanimously passed a resolution calling on Congress to restore the authority of local and State governments to use their zoning powers to remove billboards, a right removed by a 1978 amendment to the Highway Beautification Act requiring cash payment to billboard companies.

In my opinion, that 1978 amendment effectively pulled the remaining teeth out of the Highway Beautification Act, and turned that law into a tool for the billboard industry, who are now opposing any attempts to reform that act. Because of that 1978 amendment, it would cost taxpayers over $1 billion to remove nonconforming billboards—an expenditure this Nation cannot now afford.

A better way to deal with this problem would be to amortize the billboards for a reasonable period, rather than pay cash outright. While billboard proponents have said this would violate the fifth amendment, the courts have long held that billboard regulation is not a taking of private property and does not violate the Constitution. This premise is based on the fact that billboards don't derive their value from the private land they stand on, but from the public roads they stand next to. Hence, an industry that inadvertently profits from the public gives communities the right to regulate that industry. This doctrine was first upheld over 70 years ago, in *Churchill and Tait* v. *Rafferty*, 248 U.S. 591 (1918), and continues to be upheld today. Many State courts have also concluded that amortization is an acceptable method for removing nonconforming billboards.

Additionally, the General Accounting Office did a review of the existing case law to determine if a majority of the cases hold that amortization in the removal of billboards is constitutional. Their review indicated that a "vast majority of the cases hold that billboard amortization is a reasonable exercise of the police power of the state and not violative of the Constitution." [GAO Report B–239187, Feb. 6, 1991].

Mr. Speaker, the Visual Pollution Control Act of 1991 is constitutional, proenvironment, and needed if we are to restore Lady Bird Johnson's original goal of highway beautification. I urge all my colleagues to cosponsor this worthy piece of legislation.

DOUBLE DIPPING BY THRIFT INVESTORS TO STOP

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, today I'm introducing legislation to stop investors of failed savings and loans in the late 1980's from abusing generous tax breaks given to them by the Federal Government. These investors are trying to cash in on an estimated $3.5 billion of tax deductions for disposed thrift assets after they've already been reimbursed for such losses by Federal assistance payments.

In 1990, Congress was informed of this double dipping by thrift investors who are writing off enormous tax losses on the disposition of thrift assets even though they've suffered no real economic loss. These investors are claiming billions of dollars worth of tax breaks on their Federal income tax returns for losses even though they've been fully reimbursed for such losses by Federal assistance payments.

Last week, several of my colleagues introduced legislation to prevent these inappropriate tax deductions in the future, and I'm supportive of these efforts. However, I feel we shoud also fix the past abuses.

A Treasury Department report released yesterday to Congress clearly demonstrates that no reasonable authority has ever existed for this aggressive, if not absurd, double dipping being taken on the Federal tax returns of many S&L investors and that the IRS stands ready to litigate these cases. Such tax treatment is contrary to well-established tax principles, including the tax rules for computing gain or loss—Internal Revenue Code, section 1001—and the deduction limitation for losses compensated by insurance or otherwise—Internal Revenue Code 165. Nevertheless, many of these investors have already reaped an estimated $1 billion windfall from the combined Federal assistance payments and reduced tax liability. And in my judgment, American taxpayers shouldn't be asked to bear this burden.

My legislation would cover all past and future Federal assistance payments made to investors of failed financial institutions in connection with a disposition or repurchase of any asset of such institution by treating them as compensation for purposes of the loss deduction limitation rules. Congress never intended to allow thrift acquirers to deduct losses when they are reimbursed for such losses by the Government. It's just that simple.

I urge my colleagues to cosponsor my bill to help put an end to the ill-advised and insupportable tax practices that are costing billions of dollars to the Federal Government and the American taxpayer.

A copy of the bill follows:

H.R. —

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

SECTION 1. TREATMENT OF CERTAIN FEDERAL ASSISTANCE PROVIDED WITH RESPECT TO DOMESTIC BUILDING AND LOAN ASSOCIATIONS.

(a) GENERAL RULE.—For purposes of chapter 1 of the Internal Revenue Code of 1986—

(1) any section 597 payment made with respect to any loss of principal, capital, or similar amount upon the disposition of any asset shall be taken into account as compensation for such loss for purposes of section 165 of such Code, and

(2) any section 597 payment made with respect to any debt shall be taken into account for purposes of section 166, 585, or 593 of such Code in determining whether such debt is worthless (or the extent to which such debt is worthless) and in determining the amount of any addition to a reserve for bad debts arising from the worthlessness or partial worthlessness of such debts.

(b) SECTION 597 PAYMENT.—For purposes of subsection (a), the term "section 597 payment" means any assistance provided after December 31, 1980, if section 597 of the Internal Revenue Code 1986 (as in effect with respect to such assistance) excluded such assistance from gross income. Such term shall not include payments to which the amendments made by section 1401(a)(3) of the Financial Institution Reform, Recovery, and Enforcement Act of 1989 apply.

(c) TREATMENT OF AMOUNTS PAID FOR REPURCHASE OF ASSETS.—Nothing in section 597 of the Internal Revenue Code of 1986 shall be construed to exclude from gross income any amount paid by the Federal Savings and Loan Insurance Corporation, the FSLIC Resolution Fund, the Resolution Trust Corporation, or the Federal Deposit Insurance Corporation for the repurchase of an asset or to exclude such amount in determining gain or loss under section 1001 of such Code.

(d) EFFECTIVE DATE.—This section shall apply to taxable years ending after December 31, 1980.

INTRODUCTION OF THE McDERMOTT-ADAMS PEACE, DEMOCRACY AND DEVELOPMENT IN EL SALVADOR ACT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Ms. PELOSI. Mr. Speaker, I am honored to join today with my esteemed colleagues in introducing the Peace, Democracy and Development in El Salvador Act. I commend Senator ADAMS and Congressman McDERMOTT for their work in introducing this important bill, which is the next step in changing United States policy toward El Salvador.

Last year, we passed legislation to promote peace in El Salvador by cutting military aid by 50 percent and imposing conditions on the restoration of aid. This aid cutoff was carefully

balanced and designed to promote peace talks. It was working and both sides were at the negotiating table.

Unfortunately, the President chose to disturb this careful balance by releasing the withheld aid with a 60-day holding period. He ignored the fact that no real progress has been made in the Jesuit murders case. He ignored violations of the conditions by the Salvadoran military. His decision places us back at square one with a failed policy.

It is now 11 years since the beginning of the war in El Salvador. In those 11 years, we have spent $5 billion in United States assistance and we have 70,000 deaths to show for it. Clearly we should be capable of a better policy.

The McDermott-Adams bill is a better policy. It prohibits military assistance until certain conditions are met, withdraws military advisers, prohibits covert operations, establishes a fund for reconstruction, and restricts economic support funds for basic human needs.

Those of us on the side of peace and justice in El Salvador believe that the only solution to the civil war there is through negotiations. Negotiations will not work unless the Salvadoran Government can and does get control of the arrogant, omnipotent, and immoral Salvadoran military. Cutting military aid to El Salvador provides needed leverage to the Salvadoran Government to control the military and pursue negotiations.

The bill we are introducing today provides incentives for negotiation, requires respect for human rights, and promotes democratic reform. The McDermott-Adams bill is designed to restore the balance created by last year's legislation which has been disturbed by the President. It will promote a permanent settlement to the tragic civil war in El Salvador. I look forward to working with my colleagues in passing it into law.

CHIEF JUDGE ALEXANDER HARVEY RETIREMENT SPEECH

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mrs. BENTLEY. Mr. Speaker, it is an honor to speak on behalf of Judge Alexander Harvey II, of the U.S. District Court for the District of Maryland, as he steps down as chief judge and takes senior status on the Federal bench.

The judge always has been described as direct, rational, intelligent, and able to provide exceptional advice when consulted by another judge. This is clear and convincing evidence of the high regard and respect with which his peers hold him.

In 1983, the American Lawyer selected Judge Harvey as the best of 42 judges in the fourth circuit. In the article explaining the choice, Judge Harvey was dubbed:

> As brilliant, practical and always prepared. Incredibly well organized. Invariably knowing the case better than the lawyers involved * * * taking proffered instructions, maybe fifty of them, and responding yes to number one, no to number two, and yes to number three. Responding almost like a machine.

His stewardship as chief judge has not been without some controversy. There was the question of the creation of a District Court for the Southern District of Maryland. Congress, in its infinite wisdom and effort to emulate Solomon, decided that the area comprising the U.S. District Court for the District of Maryland needed to be cut in two. There was no question that this decision would provide logistical problems for Federal judges, and constrain further the limited resources of the district court. Yet, Judge Harvey was there to answer questions; and, during the legislative process, his comments and advice were considered and greatly appreciated.

Community service is a family trait extending to the judge's great-grandfather, Washington Curran Whitthorn, who was a U.S. Senator and Congressman from Tennessee.

Another one of the judge's great-grandfathers, Charles Harvey, was a business partner of William T. Walters of the Walters Art Gallery. His father F. Barton Harvey, Sr., was an insurance broker who helped found the firm of Stump, Harvey, & Cook. The judge's two older brothers are both bankers, one the retired managing partner of Alex Brown, the other the retired chairman of Maryland National Bank.

Judge Harvey always has been a leader willing to do his share. During World War II, he saw action as an artillery spotter for the 71st Infantry Division, for which he flew 90 missions in Piper Cubs over enemy gun placements. He then served with Army field artillery and was with General Patton's 3d Army in its push across the Rhineland. He attained the rank of first lieutenant with an Air Medal and Oak Leaf Cluster.

After the war he returned to Yale where he played rugby, won the senior prize for scholarship and character, and graduated Phi Beta Kappa in 1947. After spending 3 years in Columbia Law School where he was a member of the winning moot court team, he passed the Maryland bar and became an associate with the law firm then known as Ober, Williams, Grimes & Stinson. Three years later, he was asked to become a partner, but took a 2-year break to serve as an assistant attorney general of Maryland from 1955 to 1957, returning to the firm where he remained until 1966 when President Johnson appointed him to the district court at age 43.

In conclusion, I would like to say that it is unlikely that Judge Harvey's term as a member of the Federal judiciary could be improved upon. His wit, grace, and guiding leadership will be greatly missed.

GIVE PRAISE WHERE PRAISE IS DUE—GEORGE BUSH

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. BEREUTER. Mr. Speaker, on March 6, 1991, a remarkable event took place in this Chamber. The President of the United States appeared before a joint session of Congress to report on the resounding American victory against Iraq. He came to this Chamber as a victorious Commander in Chief, and received standing ovation after standing ovation. It was a rare moment.

True to his usual practice, the President was lavish with his praise. He quite rightly praised the troopers, the airmen, the marines, and the sailors who had gone into combat against the Iraqi Army. He praised the commanders who planned and executed the operation. He praised the American people who displayed their overwhelming support for Operation Desert Storm. He praised the fellow members of the coalition who fought beside the United States. Indeed, the President sought to recognize all who had supported him throughout the crisis.

Despite the sense of satisfaction that has emerged in the wake of Desert Storm, this Member is alarmed at the desire of some to rewrite history. President George Bush did have his detractors, particularly in the days immediately prior to January 16. His actions were roundly condemned by many in this body. The passionate speeches against supporting U.N. Resolution 678 are a matter of record. Some of these same individuals are now quick to wrap themselves in the mantle of victory. Our President was gracious enough not to comment on this fact, but this Member would simply note that they can do so only because of the leadership of George Bush, and because 250 Members of this body and 55 Members of the other body made the politically difficult but right decision to support the President on January 12.

Mr. Speaker, this Member would also include in the RECORD an insightful article from the March 7 edition of the Omaha World-Herald. This editorial, entitled "Bush's January Doubters Scramble for Credibility," explained that the American people may consider support for U.S. policy in the Persian Gulf to be an important indicator of the judgment of their elected representatives.

The article follows:

[From the Omaha World-Herald, Mar. 7, 1991]

BUSH'S JANUARY DOUBTERS SCRAMBLE FOR CREDIBILITY

Some senators and congressmen are still defending their January votes against the use of force in the Persian Gulf. Democratic leaders in Congress are bristling at the suggestion that the Democratic Party can't be trusted to define the nation's destiny.

But the fact remains that a majority of the Democrats in Congress held back at a time when, as subsequent events demonstrated, decisive action was needed.

Now the war is over. The allies won decisively. Kuwait has been liberated. The parade of horribles that opponents of military action talked about before the vote didn't materialize—allied casualties were minimal, the coalition held together and the public supported the president and the troops.

America is reinvigorated in spirit. Its respect around the world has risen.

Fortunately, sufficient numbers of congressmen and senators had enough faith in President Bush, the armed forces and the righteousness of the cause to cast a vote authorizing military action.

Signs of uneasiness have appeared among some Democrats as the implications of the vote, in the context of the brilliant outcome of Operation Desert Storm, become clear.

House Speaker Tom Foley has begun referring to the Democrats as pro-defense, which

flies in the face of efforts by the party's liberal wing to slash defense spending and defeat major weapons systems over the years. And some Democratic strategies appear to want the public to forget the January vote. They are taking the position that the Persian Gulf will be old news by the 1992 elections.

But some people may not forget. Phil Klinker, a political scientist for the liberal Brookings Institution, said that presidential candidates who voted against the use-of-force resolution would have a tough time winning the nomination.

And well they should. The opponents of the resolution blew it when they took the position that economic embargoes were all that was needed, the coalition would fly apart or the United States would become isolated and bogged down, with heavy casualties, in a long ground war. And they came within a few votes of making the president's task more difficult, giving Iraq more time to proceed with the destruction of Kuwait while waiting for a hot desert summer to sap the spirit of the allied forces.

This isn't to question their patriotism. But certainly their judgment is suspect. And, in any debate over U.S. policy in the Mideast, so is their credibility.

THE BOUNTY HUNTER ACT OF 1991

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SCHULZE. Mr. Speaker, outlaw drug dealers should not ride roughshod over our cities and towns. We should round them up and put them behind bars. Today I am introducing the Bounty Hunter Act of 1991 to help do just that!

Under Bounty Hunter, if you turn in a drug pusher, you get half the value of the pusher's tainted luxuries acquired with illegal profits. I surmise it would be hard to find a person who would not want half the value of a drug lord's mansion or yacht.

I believe we can win the war on drugs by providing the needed incentive for informants to come forward. I want to make it more profitable to end drug trafficking than it is to assist and promote the drug trade. I want to encourage the drug dealer's chauffeur, cook, housekeeper, and henchmen to turn him in—and reap handsome rewards for doing so.

If the bounty is high enough, drug criminals will be caught. Support the Bounty Hunter Act, and let's put the highest possible price on drug dealers.

THE WOMEN IN DEVELOPMENT ACT OF 1991

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Ms. SNOWE. Mr. Speaker, in commemoration of International Women's Day, March 8, I am introducing, along with Representative PAT SCHROEDER, the Women in Development Act of 1991.

This legislation, introduced in the past two Congresses by our friend and former colleague, Representative Mickey Leland, seeks to ensure that women are fully integrated into United States funded development projects.

For the past 2 years Congress has approved key provisions of this legislation in the Multilateral Economic Assistance Act. One required that Agency for International Development [AID] programs be designed to increase the percentage of women participating in developing countries.

A second provision stipulated that the percentage of women participating in development projects, represent the number of women traditionally involved in the targeted activities.

A third provision earmarked $5 million for strengthening Women in International Development [WID] Program initiatives—$2 million for core funding and $3 million for matching grant funds.

Finally, a fourth provision provided $800,000 for the United Nations Development Fund for Women [UNIFEM] and $200,000 for the International Research and Training Institute for the Advancement of Women [INSTRAW].

Though these funding amounts are less than minimum recommended in last year's bill, they represent a partial victory for the legislative intent of the proposal. I am also encouraged by initial reports that AID has shown improvement in integrating women into its development program.

Because I'm concerned about the Peace Corps' commitment to its own WID Program, I have expanded this year's bill to include the Peace Corps in steps to integrate women fully in development assistance programs. Specific directives include: training for professional staff and volunteers that provide guidance on strategies for achieving the goal of integrating women into all Peace Corps programs, the participation of local women's organizations in corps programs, and the establishment of a task force on women in development, made up of senior staff members to oversee the implementation of the legislation.

In addition, this legislation provides $7 million in matching funds to AID for WID activities in field missions, $5 million for core funding to support the staff, training and monitoring needs of AID WID, and $500,000 or 1 percent of the total amount appropriated to Peace Corps for the office of the WID coordinator.

Finally, this bill authorizes a total of $1 million for the United Nations Development Fund for Women [UNIFEM] and $250,000 for the United Nations International Research and Training Institute for the Advancement of Women [INSTRAW]. These U.N. organizations provide essential development assistance and resources for women in developing countries.

Given adequate access to training in health care, sanitation, marketing, agriculture, and full participation in development assistance programs, women in developing nations have the potential to improve dramatically the quality of life for their families. This bill addresses specific methods for AID and the Peace Corps to integrate women fully into development plans.

The reported successes of the past 2 years need to continue and to grow. Unfortunately, incorporating these aims into foreign appropriations legislation on a year-by-year basis will not ensure the fundamental commitment we need. The legislation before us today aims to extend the gains made last year, enlarge upon them, and make them permanent.

I urge my colleagues to give careful attention to this issue and join me in support of its passage.

UNION HOSPITAL FOUNDATION HONORS ZENON AND NADIA MATKIWSKY AS CITIZENS OF THE YEAR

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. RINALDO. Mr. Speaker, on May 17, the Union Hospital Foundation of Union, NJ, will honor Zenon and Nadia Matkiwsky as the foundation's 1991 Citizens of the Year.

Dr. and Mrs. Matkiwsky have earned this special tribute for their relentless work in behalf of the victims of the 1986 Chernobyl nuclear reactor accident in the Ukraine. The couple has worked endlessly to provide medical services and collect donations to send food and supplies to these victims in the form of a relief effort called the "Children of Chernobyl Relief Fund.

So personal is their commitment to the relief effort that in February 1990, the Matkiwsky's brought back from Kiev, Ukraine, 6-month-old Maria Kavasiuk and her 37-year-old father, Vasilij. Both had been diagnosed with leukemia after the father was forced to work on the Chernobyl nuclear spill cleanup. The Kavasiuks stayed at the Matkiwsky home while Dr. Matkiwsky, chief surgeon at Union Hospital, treated them. Today, as a result of these unselfish efforts, Maria and her father are doing well.

During the past 2 years, the Matkiwsky family have flown to Ukraine several times bringing supplies to various areas where health care is primitive and supplies are lacking.

I commend Zenon and Nadia Matkiwsky for their compasssion and devotion to the young victims of the Chernobyl nuclear accident. They have helped thousands of children contaminated by the radiation. Dr. and Mrs. Matkiwsky are richly deserving of the title Citizens of the Year for their outstanding contributions to the people of Ukraine as well as their own community.

A BILL TO COMBAT UNINTENDED TEEN PREGNANCY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. TOWNS. Mr. Speaker, teenage pregnancy is not an issue we can afford to evade. Teenage girls are becoming pregnant in increasing and alarming numbers. According to the Alan Guttmacher Institute, about 1 million teenage girls become pregnant every year. If you are the parent of a teenager, this means that 1 in 10 of your daughter's friends will be-

come pregnant this year. What will you do if the "one" is your daughter?

I have again joined Representative NANCY JOHNSON in embarking upon a bipartisan effort to introduce the Mickey Leland Adolescent Pregnancy Prevention and Parenting Act of 1991. The Adolescent Family Life Program is the only Federal program specifically designed to help prevent teenage pregnancies. It was initiated as a demonstration program authorized under title XX of the Public Health Service Act. One-third of the funding for title XX services go to projects that provide prevention services which attempt to reach male and female adolescents before they become sexually active. The remaining two-thirds of the funding goes to projects which provide an array of services to pregnant and parenting adolescents. These services include: primary and preventative health care; family planning services; maternity counseling; nutritional information; education and vocational services and adoption counseling.

Teenage girls who become pregnant are confronted with enormous economic and societal factors which coalesce to preclude them from ever becoming fully participating members of this society. For many young women, the birth of a child is not a source of joy and hope. Instead it is death of a future once filled with possibility and promise. Your past becomes irrelevant, your present is never-ending and your future is over.

The costs of teenage pregnancy do not stop with the inchoate dream-deadening effects on the young mother. Teenage girls who become pregnant face greater overall health risks than mothers in other age groups. In addition to short-term problems, there are long-term social and economic consequences associated with teenage motherhood. Some studies have shown that women who begin childbearing during adolescence never complete high school, have lower incomes, have more children overall, have less stable marriages and rely more heavily on public assistance than their peers. Unfortunately, in this society, women who begin having children in their teens are forever deprived of an opportunity to experience life. They are forced to enter a world of adult restrictions and responsibilities long before they are ready.

Unlike most previous measures, this bill recognizes that teenage boys are part of the teen pregnancy problem. Young men who are at-risk of becoming fathers before becoming husbands must learn to seriously consider the consequences of their actions. They must learn the lesson every young mother soon knows with certainty: A baby is a full-time job and a lifetime commitment. A child cannot be cared for at a part-time job or by part-time parents. There are no children who only require food, clothing, and shelter on a part-time basis. Under this measure, teen fathers would be eligible for counseling on sexuality and family life, including responsible decisionmaking and the responsibilities which accompany parenthood. In addition to educating these young men about responsibility, this bill seeks to take concrete steps toward encouraging responsibility by providing referral services for employment, training, and drug and alcohol abuse.

In essence, the loss of human potential engendered by teenage pregnancy is staggering. This bill seeks to stop this incredible loss by taking a realistic yet hopeful approach to this problem. We are realistic because we know that more is required than lectures on the virtues of chastity. We open our eyes to the world that your young people live in and do not shudder or draw back. We must not allow the incredible gravity of this situation to overwhelm us. We are hopeful that with hard facts and gentle care, these young people will make choices which allow them to recognize and address their responsibilities while they pursue their hopes and dreams. It is in this country's best interest to assure that these young people can become productive and contributing members of society.

CITY OF WEST MIAMI STANDS BEHIND U.S. TROOPS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, last night in the President's speech to a joint session of Congress, he offered well-deserved praise to all Americans saying, "Above all, I thank those whose unfailing love and support sustained our courageous men and women: I thank the American people."

The President's praise surely applies to the good people of West Miami. On February 6, 1991, the city of West Miami passed and adopted resolution No. 91–01 expressing support for the U.S. position in the Middle East. Their heartfelt resolution was the very embodiment of the unfailing love and support our President spoke about.

In the words of resolution No. 91–01, the city of West Miami, FL, passed and adopted on February 6, 1991:

Whereas, we, as a community, extend complete support to the policies of the American administration and to the brave Allied Forces who are fighting in the Persian Gulf as we pray for peace and the prompt resolution of this crisis. Now, therefore, be it

Resolved by the City Commission of the City of West Miami, Florida:

The City of West Miami expresses its complete support for the United States political and military position regarding the Persian Gulf crisis and affirm our solidarity with the members of our United States Armed Forces and their allies who are fighting valiantly to free the nation of Kuwait.

Mr. Speaker, the President's leadership was steadfast and unerring in judgment for many reasons. The President acted with clear and resolute purpose, the liberation of Kuwait and the putting down of aggression; he acted with international support, 12 U.N. resolutions and the military support of 30 nations; and most powerfully, the President acted with the support of the American people.

The city of West Miami and many other communities who in spirit stood shoulder to shoulder with our brave men and women in the gulf should be recognized for their commitment to freedom and justice. In particular, I commend the leadership of West Miami for supporting this resolution: Mayor Pedro Roboredo, Vice Mayor Rebeca Sosa, Commissioner Pedro Busse, Commissioner Valery Hickey-Patton, and Commissioner Vivian Trigo.

COMMENDING U.S. TROOPS AND PRESIDENT BUSH

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. BALLENGER. Mr. Speaker, the United States has much to be proud of today. The U.S. Armed Forces have performed brilliantly in the Persian Gulf theater under the outstanding leadership of our President and Commander in Chief George Bush, Secretary of Defense Dick Cheney, Operation Commander General Norman Schwarzkopf, and Chairman of the Joint Chiefs of Staff Gen. Colin Powell. The brave men and women participating in Operation Desert Shield/Storm have demonstrated remarkable bravery and professionalism and deserve our heartfelt thanks and support.

I especially want to pay tribute to the men and women from the 10th District, both in the active forces and reserve units—the 1451st Transportation Company of Boone, the 540th Quartermaster Battalion, and the 1450th Transportation Company, both of Lenoir. You can rest assured that your Congressman and your country have stood solidly behind you since the beginning.

I look forward to the days ahead when our troops return home, and we have an opportunity to welcome and honor our war heroes. This is a victory in which all our veterans can share. We salute each of you.

Yet in our joy, we must remember that war is not without its costs. Of the more than 535,000 U.S. service men and women sent to the gulf, the loss of life was small in number, but not insignificant. Family members in my district are experiencing a deep personal loss for Spec. Bobby McKnight of Dallas, NC, who was a casualty of Operation Desert Storm. Spec. McKnight was deployed to Saudi Arabia with the National Guard's 145th Transportation Company. Spec. McKnight will be remembered as a war hero by all of us.

I am proud of President Bush and the U.S. troops for promoting peace and stability in the Persian Gulf and around the world.

ALLIED BURDENSHARING IN THE GULF

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. COLEMAN of Missouri. Mr. Speaker, while we are all proud of the conduct of the Persian Gulf war, we must address the very serious issue of paying for it.

The administration presented Congress with a payment plan asking for $15 billion in U.S. funds, and for the authority to spend the

pledged contributions from our coalition partners and allies in the war. Today we are responding to the President's plan, providing the $15 billion requested, plus the authority to spend foreign contributions up to $43 billion.

The United States has borne the primary burden of supplying armed forces and commanding allied efforts. The President has asked us to appropriate an additional $15 billion in U.S. aid. We should do this. This is not the time for political games or budget grandstanding.

It is, therefore, only appropriate and proper to require our allies to meet their financial obligations for a war we prosecuted. According to OMB today, of the $54.5 billion our allies have now promised as their fair share toward the total costs of the war, barely $16.9 billion in cash and other contributions have been received; $37.6 billion in pledges are still outstanding.

About $24 billion of the unpaid total is to come from Saudi Arabia, Kuwait, and the United Arab Emirates; these nations, all members of the Gulf Cooperation Council, were directly involved in Operation Desert Storm.

Of far more concern is the failure of our noncombatant allies to make good on their pledges of financial support. South Korea is $314 million shy of its pledge of $385 million; Germany still owes $3.6 billion of its promised $6.6 billion; and Japan, which has only just now formally approved $9 billion of its total pledge of $10.7 billion, has paid only $1.3 billion. Japan, whose financial stake in the stability of the gulf region exceeds our own, must step forward and honor its pledge.

This was not just an American war; it was a united effort by a coalition of nations. Every nation participating must meet its obligations—the American taxpayer demands it, the American men and women who have put their lives on the line to achieve the coalition goals deserve it, and Congress must insist on it.

Mr. Speaker, there will be other expenses in this war that undoubtedly will be presented in the weeks ahead. The allies will have an even greater amount to pay. They should keep current on their accounts by paying now what's due now.

Saying the check is in the mail will not be acceptable.

NEW MEXICO'S ENERGY PLAN

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. RICHARDSON. Mr. Speaker, there's been much talk in recent months about the need for a national energy policy. Last month, President Bush unveiled his energy plan—a plan that has been sharply criticized by many, including this Member.

I am most pleased to report to my colleagues that my own home State of New Mexico has developed its own energy plan. The Albuquerque Journal recently editorialized against the Bush energy plan and for the New Mexico plan.

The Journal wrote:

Governor Bruce King * * * has some promising ideas. If the Federal Government can't come up with a comprehensive energy plan—as seems apparent—King is ready to step in. He would stress innovative energy strategies that tap the State's natural gas supplies and solar energy. Recognizing that a barrel of oil saved is a barrel of oil not imported, King, Land Commissioner, Jim Baca, and Natural Resources Secretary Anita Lockwood promise that New Mexico's energy policy will stress renewable resources and conservation. Send 'em to Washington.

It is with great pleasure that I call my colleagues' attention to two documents relating to New Mexico's energy plan. Both are from our State's Land Commissioner, Jim Baca. The first document represents his thoughts on the Bush energy plan and the second document is his plans for New Mexico with respect to energy and other matters of importance to his office.

BACA CRITICIZES ADMINISTRATION ENERGY PLAN, CALLS FOR CONSERVATION ALTERNATIVES

Jim Baca, New Mexico's Commissioner of Public Lands, today expressed his "deep disappointment" in the contents of the Administration's energy plan. "It looks like we in state government—Governor Bruce King, Secretary of Energy and Minerals Anita Lockwood, and myself, the Land Commissioner—are going to have to take the lead," he said. "I pledge to work with them in every way possible."

"I support the idea of developing a comprehensive national energy strategy, it's long overdue," Baca said. "But by focusing on opening wilderness areas for energy exploration and reducing opportunities for nuclear safety review, we're falling into the old trap of fulfilling industry wish lists instead of dealing with real energy problems."

Baca has just returned from Washington, D.C. after meeting with numerous Congressional, industry, and public interest officials on the Administration's energy proposals.

"Any smart energy policy is going to look both at energy usage as well as energy supply. If we save a barrel of oil, it's just like producing one," the Commissioner said. "Conservation has proven to be the most cost-effective and environmentally-friendly way of getting 'new' supplies and should be priority #1 in any energy plan."

"I am deeply disappointed in the Administration's energy plan," Baca said. "We need to take a much more aggressive role in conserving energy and developing clean and renewable energy alternatives."

As Commissioner, Baca administers 13 million acres of state lands, much of which are energy producing. "We're going to do our part," Baca said, "New Mexico has considerable reserves of clean-burning natural gas. We want to encourage much greater use of natural gas as a transportation and utility fuel, both in and out of the state. Since cars, trucks and buses use most of the oil we import, we could win three ways: cleaner air, less imported oil, more revenues to New Mexico."

"Solar energy is much talked-about and under-used," Baca continued. "With the resources we have, New Mexico could be the model state for the nation. By committing to a new effort for utilizing the power of the sun, we could greatly reduce our use of fossil and wood fuels. In partnership with the federal government, New Mexico could host experimental development projects using solar energy, including efforts to produce solar-derived hydrogen transportation fuel."

Baca said that New Mexico could play a pivotal role in providing leadership on the energy issue. "At the state government level, we're going to be working closely together to develop an energy policy for the state. Business-as-usual in Washington just isn't enough," he said.

"We need to be looking to the future, instead of the past," the Commissioner said. "We have tremendous resources here in New Mexico with our gas supplies, the potential for solar and renewable energy development, and the role our National Labs could play."

"At a time when the Labs are coming under budget pressure from declining defense spending, why not tap that energy source? If we put just a minor percentage of the budget for Middle East defense into a Manhattan Project for photovoltaics, we could drastically reduce our use of conventional fuels and increase our national security."

It's important to remember that conservation doesn't have to hurt. We must cut our energy consumption not by sacrificing our way of life but through an aggressive efficiency program. If it's possible to get the same amount of light from 15 watts as we now get with 100 watts, we should make the change. If we can go 100 miles on two gallons of gasoline instead of five, we should make the change."

"The Administration's energy plan and accompanying budget simply fail to address the real problems or provide real solutions. I hope the Congress will take a more serious look at these issues and I intend to be active at the state and national level in encouraging new directions," Baca said.

SETTING THE STAGE

(By Jim Baca, State Land Commissioner, 1991)

During the course of the 1990 election campaign, I traveled more than 35,000 miles, meeting and talking to New Mexicans about their concerns for the future of our state. With revenue-producing trust lands in every corner of New Mexico, the Land Office has tremendous influence on environmental and land use policy in the state.

When I began my campaign, I announced that I would be the environmental candidate, concerned with the proper stewardship of our Trust Lands for future generations. In my view, conservation of our lands and resources makes good business sense. As a fiduciary officer for the beneficiary institutions, I have pledged to take the long view of my trust responsibilities and to chart a course for the year 2000 and beyond.

What follows is a product of the dialogue which took place between concerned citizens, communities, and organizations and myself. It represents an initial framework for the agenda of the Land Office in the second Baca Administration, and will be developed and added to as we move forward in the days ahead.

OIL AND GAS

Oil and gas revenues account for more than 90% of the Land Office's revenue steam, and fund a sizable portion of the state school system budget. We support efforts to encourage greater recovery of oil through secondary and tertiary recovery. I expect to have a cooperative relationship with the industry, who I believe understands the importance of environmental protection and restoration. Assuming that adequate protection for wildlife at drilling sites is given, at present I'm not aware of major conflicts between oil and gas production and important resoure values in the state.

New Mexico's natural gas reserves represent an important and underdeveloped re-

source. This administration is committed to assisting in the development and marketing of natural gas, particularly from state lands. If successful, we will all benefit—the schools through increased revenues, the public and the environment through reduced air pollution, the nation through reduced dependence upon foreign oil, and even the planet, by curtailing emission of greenhouse gases contributing to global warming.

The Land Office will take a leadership role in working with other branches of state government, the natural gas industry, and other private and public agencies to marshal the resources and creativity necessary to greatly increase the use of natural gas as a transportation fuel and substitute for electric generation. A memorial currently pending before the legislature calls upon the Commissioner of Public Lands to convene a task force to make recommendations concerning commercialization of natural gas technologies.

STATE AND NATIONAL ENERGY POLICY

The absence of a comprehensive energy policy, other than the continuation of the status quo, regardless of the environmental economic or military implications, is shortsighted and unwise. We intend to encourage adoption of policies which in the long run will cost less, import less, pollute less, and require less government subsidization.

Many opportunities for cooperation exist between state and federal government, the National Labs, the energy industry, and New Mexico communities. Our state can take on a pioneering role in developing alternative energy strategies and the Land Office intends to play a constructive role in supporting such efforts. The Trust in particular, and New Mexico in general, is well-positioned to profit from emerging alternative technologies because of our geography and existing infrastructure.

LAND EXCHANGES

This State Land Office administers approximately 9 million acres of surface and 13 million acres of mineral estate. As part of the original grants made by the federal government, the lands are "checkerboarded" throughout New Mexico with private, federal, and Indian lands.

I have pledged to work to consolidate our Trust lands, in order to improve management capabilities, financial return to our beneficiaries, and environmental protection for the State of New Mexico.

The Attorney General has promised a statutory review to determine the proper guidelines for exchange under present law. The U.S. House of Representatives and U.S. Senate have approved changes in New Mexico's enabling act which would authorize land trades with private parties, other governmental entities, and Indian nations. To achieve maximum flexibility for trading with all parties, a referendum approving the House and Senate action must pass voter approval and may be presented on the 1992 ballot.

In the meantime, it is the intention of the Land Office to move full speed ahead in partnership with the federal government for exchanges in support of wilderness designation, commercial opportunities for the state, and federal land acquisition for environmental protection purposes.

WILDERNESS

After a four-year hiatus in State Land Office support of the wilderness process, my administration is committed to an active partnership with the federal government and citizen groups to encourage the designation of new wilderness areas in New Mexico.

Because virtually all potential wilderness areas include sections of state land, which cannot be managed as wilderness, the Land Office would agree to trade lands within wilderness designations for other federal land holdings.

COMMERCIAL OPPORTUNITIES AND PLANNED COMMUNITIES

In exchange for lands designed as wilderness or traded for other reasons with the federal government, the Land Office will seek to acquire properties with development potential. As our oil and gas reserves are depleted, long-term revenue to the beneficiaries will fall unless the Land Office takes a far-sighted approach to future income. One example will be active participation in developing planned communities, such as the prospective Mesa del Sol site near Albuquerque. During my administration, we will do the long-range planning necessary to place existing Trust land in a position to best meet future industrial, commercial, and residential needs, thereby maximizing long-term revenues.

THE GRAY RANCH

Located in the boot heel of the state in southwestern New Mexico, the Gray Ranch represents one of the nation's most biologically significant ecosystems. Formerly under mixed private, state and federal ownership, the private sections have recently been purchased by The Nature Conservancy, a public-interest environmental organization.

As a complete review and inventory of the resources in this environmental treasure trove is made, the Nature Conservancy and the U.S. Fish and Wildlife Service are contemplating future management and land ownership possibilities. As Commissioner and trustee of thousands of acres within the Gray Ranch, I am committed to full partnership and cooperation in protecting those resources and supporting land exchanges where appropriate for consolidating both ownership and protection.

GOOD STEWARD INCENTIVE PROGRAM

I am committed to improving the condition of the range and exploration of a system to reward good stewards of the land. It has never made sense to me that someone who takes good care of a state lease should have to pay the same as someone contributing to the creation of a local Dust Bowl.

We will work with New Mexico's livestock industry, range conservationists, the Soil Conservation Service, and other interested parties in developing a range conservation incentive system which will increase the long-term value of the Trust.

HUNTING AND FISHING ACCESS, RECREATIONAL PERMITS

In my travels throughout the state, few issues draw as much attention or emotion as that of restricted access to public lands for hunting and fishing. The issue of access is a complex one, with many varied circumstances. Nevertheless, I am strongly committed to securing access to trust lands where it is being unfairly or illegally restricted.

At the same time, I am greatly concerned by issues such as poaching and the number of hunters entering certain areas, as well as public safety concerns. I expect to work with Governor King and the Game and Fish Department to bring interested parties to the table to discuss ways to improve the situation and protect the ability of New Mexicans to use our public lands for continued hunting and fishing.

I support the issuance of recreational permits for state lands, allowing hikers, birdwatchers, photographers and others to use our lands as well. This year we will review the present system, investigating the possibility of allowing year-round use and looking at the fees presently charged.

WILDLIFE

Our state Trust lands provide forage and habitat for wildlife as well as livestock. Although not much of that habitat is considered "sensitive" for wildlife, our administration will work to protect wildlife. I have instructed my staff to be on the lookout for possible threatened and endangered species, and to work with the State Game and Fish Department to mitigate against any possible threats to their habitat or survival. As range improvements are made, particularly with fences, I want to assure that state of the art construction is used, to allow safe passage for wildlife.

THE 1872 MINING LAW

Long-outdated federal legislation allowing public land giveaways for mining and speculation remains on the books. A reform effort is underway to end the numerous abuses occurring under the 1872 Mining Law. To protect the financial and environmental interests of the state of New Mexico and our beneficiaries, I will join the campaign for overhaul of this legislation. The laws governing hard rock mining simply must join the 20th Century standard applied to other mining and resource development activities.

SAND AND GRAVEL

Another highly controversial area of local concern in many parts of the state is the operation of sand and gravel mining operations. These can provide needed income to the Trust, but clearly must be handled with increased care. New Mexico State University in Las Cruces is greatly concerned that the dust from mining operations could ruin crucial astronomical research being carried out at the University. I have promised to protect the observatory's experiments and to increase Land Office sensitivity to local concerns about siting, operation, and reclamation on such mines.

A NEW MEXICO BOTTLE BILL

I support adoption of a bottle bill, or deposit legislation for beverage containers. Despite the overwhelming support of the public and successful implementation in numerous other states, such legislation has failed to be adopted in New Mexico. To help get trash off state lands, roadways and parks, I will lobby the legislation in support of this effort.

ENVIRONMENTAL EDUCATION

New Mexico's children should be given high-quality, early exposure to the principles of ecology, conservation, stewardship, and responsibility for protection of our common environment. Despite the many excellent efforts on the part of private individuals and some public institutions, environmental education is not yet an integral part of the public school curriculum.

As Commissioner, I am committed to pooling the resources of the many interested parties into an effective effort to introduce such a curriculum into our schools. Our office will serve as a nexus for this effort, and I will personally meet with the State Board of Education to lobby for the introduction of this important subject. As our population grows and our mineral resources are depleted, the future of the Trust and the quality of New Mexico's environment depends as

much on tomorrow's future leaders as on today's.

STATE INVESTMENT COUNCIL

The Commissioner of Public Lands holds a seat on the State Investment Council, the body which oversees the investments and management of the Permanent Fund, the account which receives the Land Office revenues. The vast majority of the investments of the Permanent Fund flow out of state, to Wall Street. As a member of the Investment Council, I want to explore possibilities for increased investments here in the state of New Mexico, while ensuring a diversified portfolio that leads to the long-range health of the fund.

ASSISTANT COMMISSIONER FOR THE ENVIRONMENT

Because protection of our environment is so important to the preservation of the trust, and because environmental issues touch upon so many areas of our responsibilities, I pledged to appoint an assistant commissioner for environmental affairs. I expect our office to have an active and ongoing dialogue with environmental organizations and other groups concerned with conservation issues, as well as with the other constitutional officers of government, including the Governor, the Attorney General, and the Congressional delegation.

CONSERVATION TEAMWORK FOR NEW MEXICO

The year 1990 was the 20th Anniversary of Earth Day, as well as an election year. The candidates who were elected for Governor, Attorney General and Land Commissioner all took strong positions in favor of active government involvement in environmental protection. I believe an important part of our margins of victory was due to voter support for stronger environmental protection. Bruce King, Tom Udall and I ran as a team, who pledged once elected to work together on behalf of New Mexico's present and future environment. I look forward to an era of support and cooperation as we strive to be good stewards of a beautiful land.

TRIBUTE TO ST. JOSEPH'S SCHOOL FOR THE BLIND FOR 100 YEARS OF SERVICE IN NEW JERSEY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. GUARINI. Mr. Speaker, on March 19, 1991, St. Joseph's School for the Blind in Jersey City, NJ, will celebrate its centennial. This nonprofit, nonsectarian school is dedicated to teaching the blind and helping society recognize the needs of the visually impaired.

I would like to call the attention of my distinguished colleagues to the many contributions St. Joseph's has made over the past 100 years in Hudson County, NJ, my congressional district.

Several Sisters of St. Joseph of Peace started the school in 1891, offering courses to blind children and adults in Jersey City. The Sisters of Peace still work at the school and are the sponsoring agency for St. Joseph's.

The school also employs lay personnel. St. Joseph's accepts students of every race, ethnicity, and creed.

Both in 1891 and today, St. Joseph's offered a traditional educational program and an extracurricular program for average and above average, blind or visually impaired students.

In 1927, the school moved to its current home, at 253 Baldwin Avenue, in Jersey City.

St. Joseph's has always worked with other schools, as well as public and private agencies to offer its students a superior education, and the school has strived over the years to meet the changing needs of its students.

St. Joseph's did just that in 1960, when it began serving blind students who were also multiply disabled. No other facility in the United States at the time provided for these students.

Students who are not academically inclined were also brought into St. Joseph's fold through prevocational skills classes.

The education program at the school ranges from courses in traditional academics to music, sensory-motor skills, activities of daily living, and personal skill development.

Students are of all ages and the school offers a residential program 5 days a week. The St. Joseph's School for the Blind community residence helps students learn to live on their own.

While working to ready its students for the outside world, St. Joseph's also tries to ready the world for its students.

The school encourages visits from educators, health care professionals, volunteer groups involving high school students and senior citizens, and general community groups.

By bringing members of the community into contact with blind students, St. Joseph's hopes to break down stereotypes and prejudices.

"We believe the lives of our students are greatly enhanced when the community itself acknowledges their equal rights to respect, dignity and society's essential services," the school states.

Through its efforts, St. Joseph's has provided a superior educational experience to New Jersey's blind residents. The school has helped visually impaired residents prepare for work and life.

Mr. Speaker, I am sure my distinguished colleagues would like to join me in congratulating St. Joseph's faculty, staff, and students on their learning efforts and wish them continued success during the next 100 years.

TECHNOPHORIA: WEAPONS VIDEO VERSUS WEAPONS POLICY

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. RUSSO. Mr. Speaker, I rise today to share with my colleagues a most informative article on U.S. weaponry and the Persian Gulf war. Written by James Fallows and Scott Shuger, this piece appeared in the Washington Post last month.

As the authors so eloquently point out, we are in danger of enthusing over the success of our high technology at the expense of a truly critical analysis of the real effectiveness of our weaponry arsenal. We must still decide, on a case-by-case basis, if a weapon is effective enough.

The point of continuing to think and debate these matters is not to be quarrelsome or divisive, or to detract from the fine work of the officers and troops in the Middle East. The fact remains, billions of dollars are at stake—and more lives in the future. In the first blush of victory, we must be cautious about wholesale acceptance of any complex weapons system that crosses the mind of the defense officials and businesses that supply them.

[From the Washington Post, Feb. 3, 1991]

TECHNOPHORIA: WEAPONS VIDEO VS. WEAPONS POLICY

(By James Fallows and Scott Shuger)

In wartime, we're supposed to pull together—but this shouldn't mean that we forget how to think. Yet as soon as the fighting against Iraq began, much of Washington's opinion-making class let down its critical faculties in a way it would be ashamed of in normal times.

Barely three days after the first strike on Baghdad, talk-shows and op-ed pages rang with the first great "lesson" of the gulf war: "High technology" worked for America's military. From that it followed that the Reagan administration deserved our thanks for increasing military budgets (although the Carter administration could fight for some credit too) and that the "defense reform" movement, which criticized the Pentagon's patterns of spending a procurement, had been proved conclusively wrong.

"This is just an unbelievable validation of what the defense industry has been doing," a Paine Webber analyst named Jack Modzelewski was quoted as saying in the Los Angeles Times. George Will looked upon the Patriot missile and concluded that, since it could shoot down Scuds, it was time to revive SDI. The Scud, of course, has a single warhead, which follows an absolutely predictable path as it falls. Soviet missiles, which SDI is supposed to intercept, have many nuclear warheads, each of which can be maneuvered as it hones in on its target—and which, unlike Scuds, must be destroyed far, far away from the target if lives are to be saved. Distinctions like these would come automatically to Will or most other people in analyzing other subjects. They should be made about "high tech" and "defense reform" as well.

The Patriots have in fact been effective, which tells us something about "point defense" systems. But it proves almost nothing about the Reagan budgets on high-tech weaponry in general. To turn the logic around, the most "advanced" and expensive single weapon of the Reagan years was the B-1 bomber, which has not been sent on a single sortie over Iraq.

The argument about appropriate weaponry is often presented as a simple high-tech versus low-tech choice, as if it were a matter of preferring swords and muskets to laser-guided bombs and night-vision tanks. We should be interested in any level of technology that works; but we should be empiricists, wanting to be convinced case by case, via thorough testing and performance. The defense reform analysis was never about technology per se. It was, above all else, about military effectiveness, which lead to a subsidiary bias against needless complexity in weapons design.

Complexity is not the same thing as high technology: a semiconductor chip is much more technologically advanced than a vacuum tube, yet it is much simpler, more robust and more effective in military or civilian use. By analogy, certain weapons use ad-

vanced technology to become more reliable; One example is the A-10 attack plane, which carried out very dangerous low-level missions in the first two weeks of combat without suffering any losses. Jamming devices and anti-radiation missiles, which home in on the enemy's radar, are technologically advanced and yet effective. (That these comparatively low-cost technical edges have not been the main object of the pundits' attention is a tell-tale indication of the true nature of their ardor.)

The problem with complexity is that it introduces more possibilities for failure—within the machine itself, between man and machine and between the machine and the environment in which it's used. Highly complex weapons cost more to build and are harder to maintain, so for the same amount of money there are fewer of them in action. The appropriate level of complexity, then, depends on how effective they are—in realistic tests and in combat.

What the empirical evidence from Persian Gulf combat tells us is * * * almost nothing so far. No one yet knows the most crucial fact about this war: how it will turn out. It seems certain that the U.S. side will prevail, since its material advantages are so overwhelming. (Defense Secretary Richard B. Cheney has emphasized that Iraq spent $50 billion over the past decade to build its vast arsenal. The U.S. military has spent $50 billion since Thanksgiving and over the last decade outspent Iraq about 50 to 1.)

But, despite the spectacular videotapes, we do not yet know how effective our weapons have been in the unpredictable circumstances of real war. Two days into the fighting, U.S. military briefers said they believed that all the fixed-site Scud launchers had been destroyed. The Scuds kept coming and, according to sources in the Pentagon, it now appears that most of the "fixed-site launchers" initially hit were in fact decoys. A Soviet expert told the BBC last week he had advised the Iraqis on techniques of deception such as hiding airplanes in apartment buildings and painting "craters" on runways to deter further bombing runs to keep the U.S. technical advantage from being put to full use. With similar tricks the Iraqi command-and-control system remained at least partly operational under intense attack.

Nor do we know how many of our weapons have slithered through windows and down chimneys, compared to how many have landed in empty fields or on civilian targets. The mistakes too are recorded on tape that is for now, and perhaps forever, unseen. After the bombing raid of Libya in 1986, the Pentagon released a video of a direct hit. That turned out to have been one of the few accurate bombing runs. A GAO analysis of the mission concluded that laser-guided bombs were actually less accurate than old-fashioned unguided bombs.

In the 1989 raid on Panama, a bomb from an F-117 Stealth fighter missed its target by over 300 yards, despite the Pentagon's initial claims of "pinpoint accuracy." In an astonishing interview last week on CNN, John Lehman said off-handedly that when he was secretary of the Navy he used to pay settlements "at least once a month" for damage done when laser-guided bombs hit resort towns in California and Nevada, two or three miles from the target area. Lehman later told Fred Kaplan, of the Boston Globe, that laser-guided weapons were hitting targets in Iraq about 60 percent of the time. This, Lehman said, was "consistent with the test performances"—but quite inconsistent with the ratio suggested by the very few videos the Pentagon has shown.

Similarly, we have been told in briefings that Tomahawk cruise missiles, the only truly new weapon used so far in Iraq, have hit more than 90 percent of their targets. Yet just two days ago CNN ran footage of Tomahawks flying into Baghdad and destroying residential buildings. Cruise missiles may be promising, but we should see more evidence of their performance, especially about their vulnerability even to unguided fire from the ground.

Cost has been the great unmentionable in the "everything works" reaction. Against any enemy except one we outspend 50 to 1, our resources are limited. Choosing to build one weapon means choosing not to build or properly maintain another—in the case of complex weapons, choosing to build one F-117 or B-2 means choosing not to build scores of A-10's or F-16s. During the Vietnam War, about two-thirds of all sorties flown were to drop ordnance. In the gulf, only about half are—the rest are for the increased support these airplanes require. Expensive, delicate weapons have to be not just good, but far better than good, because of the options they foreclose.

Indeed, the wave of excitement about the weapons is itself a sign of trouble. If there were more realistic testing within the Pentagon, there would be less doubt about how the weapons would actually perform. But the system that develops the weapons has a bias against realistic testing; it is not by accident that overpriced fiascos like the B-2 bomber have rarely been tested at all, and then usually fraudulently. Both the Tomahawk and the Stealth fighter were proposed for use in Libya in 1986—and both were turned down, because the Pentagon was afraid they would fail.

The Pentagon procurement system—with its bias against realistic testing and costcutting, with its potential to convert the officer corps into budget-boosters rather than military leaders—is at the heart of the "reform" debate. Almost every outside analysis of the system's incentives and performance concluded that things are severely amiss. Paine Webber's Modzelewski gave the game away with his reaction to the first news from the war: "The real beneficiaries are going to be the big conpanies like General Dynamics, McDonnell Douglas and Lockheed." The weapons that work often emerge in spite of this system rather than because of it—for instance, the Air Force tried to wriggle out of the A-10.

Although it's now a cliche to remark that there is still a long way to go in this war, and that major ground action is increasingly likely many in Washington (in and out of uniform) with and without TV shows) don't seem to have realized that this prospect alone should dampen their technophoria. The consequences of technical failure look much different when we move from the Tomahawk to the Abrams tank or the TOW anti-tank missile. And as defense consultant Pierre Sprey observed "When an air-to-ground missile fails, the pilot still comes home. When an infantryman TOW fails, he does not come home."

The point of these cautions is not to say "nothing works" or to quibble about imperfections. The question we should consider, once we know enough about the gulf war to draw sensible conclusions, is whether our weapons proved effective enough—enough to forestall a grisly land warfare, enough to justify their great cost. We won't always enjoy such a onesided advantage in spending and tactical realities. We must still think, rather than just enthuse, about the way to build our forces.

CONGRATULATIONS TO EVELYN PARINE ON 50 YEARS OF SERVICE

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. POSHARD. Mr. Speaker, I rise to pay tribute to one of the outstanding citizens of southern Illinois, Mrs. Evelyn Parine of Royalton, IL.

On Sunday, April 7, she celebrates 50 years of playing the piano for the Royalton United Methodist Church, and her church will gather that day to give its thanks to her and to God for bringing her to them.

Music is truly God's gift, meant to bring joy, understanding, and insight into our lives. Some of us He blesses more fully than others, and certainly God blessed Evelyn generously, to provide her with this talent as a musician, and this devotion to her church family. Her constancy is not unlike the Methodist flame which burns as a symbol of God's never ending love for us, and she has helped keep that flame alive in this and other churches in this area in a very special way.

A strong church usually has a strong music program to help accent the fellowship and love found within the body and spirit of the congregation. For Evelyn it has been 50 steady years. Her fellow church members find it hard to remember a time when she has missed a service, from the days she started as a 16 year old to the present. I do understand that her health has caused her to take a little time from the piano bench recently, but Evelyn is still a driving force for this church and in the ministry of music, helping young musicians improve their talents and offering her beautiful alto voice in song as well.

Churches are a vital part of our lives, from providing a stable refuge for our families from the trials of daily life, friends to share our days with, and Jesus Christ in which to find salvation. And for these many years now Evelyn has helped make that experience real with her loving treatment of "What A Day That Will Be" or "I Walk With The King". How many people she has helped understand and believe in the truth of Christ we will probably never know, but they are surely better for it, and know they have been blessed by her efforts.

I am honored to offer my thanks for her service and devotion, and appreciate the opportunity to share the love and respect for her on this important day. Evelyn, we are praying for you, and thank God for bringing you to us to make our voices rise with song and hearts move with the spirit of faith and love.

VIRGIN ISLANDERS AND THE GULF WAR

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. DE LUGO. Mr. Speaker, I am extremely proud to rise today to commend the more than 300 Virgin Island's men and women who served so bravely in Operation Desert Storm in the Persian Gulf.

They have brought honor to the Virgin Islands and to the Nation as they stood, shoulder to shoulder, with the allied forces that liberated Kuwait and brought an end to the terror that held the people of the gulf for more than half a year.

Certainly, our President is to be commended for his leadership and resolve, as he marshaled our allies, called the troops to action, and gave the military command the latitude to complete the war in a way that brought the conflict to a quick and necessary conclusion.

Through the generations, Virgin Islanders have answered the call to duty: in World War II, in Korea, and in Vietnam.

Again, Virgin Islanders have proven they have the bravery, the skill, and the determination to stand in harm's way when called, to protect and defend the freedoms of our great Nation.

Again, Virgin Islanders have taken their places beside men and women from throughout the Nation, to show to the world their mettle.

Mr. Speaker, Virgin Islanders may not be able to vote for President, our Commander in Chief. We may not have a vote on this floor. But, as we have proven again in the Persian Gulf, we certainly are more than worthy.

I commend each and every Virgin Island's man and woman for what they have done for this great Nation, and I thank them. They have helped to preserve freedom and justice and show the world what Americans and Virgin Islanders stand for.

LET'S HAVE THE STATES DECIDE OFFSHORE DRILLING

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. CAMPBELL of California. Mr. Speaker, today I am introducing legislation that would make the offshore leasing process much more responsive to State and local concerns.

Under current law, the Federal Government has the final decision over whether to drill in areas farther than 3 miles offshore. In recent years, Federal leasing proposals have met with heated opposition from citizens of the affected States, leading Congress to impose leasing moratoriums in the appropriations process each year since 1982. We might expect a similar move in response to the Interior Department's recently released 5-year OCS leasing plan.

Wouldn't a more permanent approach, one that reflects the views of a State's citizens, be preferable? The bill I am introducing today would allow a State affected by offshore leasing to have the final decision over whether such leasing should occur.

Under my approach, the Secretary of the Interior would make the initial leasing decision, but the State would have the right to disapprove the Secretary's decision under appropriate provisions of State law. In some States, disapproval of leasing could be done through a statewide referendum.

Offshore drilling decisions need to be decided by State citizens—those who would enjoy the benefits of drilling but must live with any adverse consequences. My bill would accomplish that, and I recommend it to my colleagues.

THE 100TH ANNIVERSARY OF NORTH CAROLINA A&T—A GREAT UNIVERSITY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. COBLE. Mr. Speaker, 1991 marks the 100th anniversary of a great institution of higher learning in our district—North Carolina Agricultural & Technical State University in Greensboro, NC. For the past century, North Carolina A&T State University has provided a quality education to tens of thousands of students. All of us who are supporters of A&T State look forward to the next 100 years.

For those of you who are not familiar with NC A&T State University, the school is America's largest producer of black engineers. The university has one of only three engineering schools in the University of North Carolina system. NC A&T State University also is a participating institution in the State's microelectronics center. In cooperation with NC State University, NC A&T State University received a 5-year $8.4 million grant to establish a Mars Space Research Center.

These are just a few of the exciting projects being undertaken by NC A&T State University. The school's strength originates with rigorous academic programs operated through its schools of agriculture, business and economics, education, engineering, graduate studies, nursing, and technology, and arts and sciences. The school can boast of famous graduates such as Dr. Ronald McNair, Rev. Jesse Jackson, and Gen. Charles D. Bussey. There is one other graduate I would like to mention, and he is my good friend Mr. George Russell. George, who is the Assistant Chief Clerk of the House, is one of the best ambassadors that NC A&T State University has ever produced. He is a proud alumnus of the school, and he is a fine example of the quality of students produced by NC A&T State University over the last 100 years.

On March 12, 1991, the school will celebrate its centennial "Charter Day" at the Corbett Sports Center. To all of those participating in these activities we offer our congratulations on 100 years of academic excellence. Everyone in the Sixth District of North Carolina looks forward to the next 100 years of quality higher education at North Carolina Agricultural and Technical State University.

LEGISLATION INTRODUCED TO PROVIDE OIG WITH FULL LAW ENFORCEMENT POWERS

HON. HARLEY O. STAGGERS, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. STAGGERS. Mr. Speaker, I rise today along with eight of our colleagues to introduce legislation that will provide full law enforcement powers to all criminal investigators in the Offices of Inspectors General. This legislation would confer authority to make arrests, execute search warrants, and carry firearms.

This legislation will do much to improve the effectiveness of the dedicated investigators who investigate cases of waste, fraud, and abuse of Government agencies. While this legislation is effective in improving law enforcement, it is very important to note that it will not cost the taxpayers a penny to make this change. As a matter of fact, there are estimates available that show that millions of dollars can be saved if this legislation is passed.

There are nearly 2,000 investigators who are charged under statute with the ability to conduct investigations of programs and operations in their agencies. Let me be very clear, this legislation does nothing to extend the scope of cases these agents can investigate. This legislation simply frees these agents to do the job we hired them to do—get the white collar criminals who are stealing from the American taxpayer.

Special agents in the Offices of Inspectors General [OIG] meet the same training and experience as agents in other Federal agencies that have full law enforcement authority. All OIG agents must pass the criminal investigators course at the Federal law enforcement training center or similar training at the FBI Academy.

More than two-thirds of the special agents have previous employment in traditional law enforcement agencies. According to information I have received nearly 20 percent of the OIG agents hold advanced degrees and nearly 90 percent have college degrees, this compares very favorably with other Federal law enforcement agencies. And these statistics are very enlightening in helping to demonstrate the high caliber of professionals who work in these offices.

Mr. Speaker, let me once again thank those Members who have joined me as original cosponsors of this legislation. I appreciate their assistance and urge other Members to join us and help collar criminals who are abusing the American taxpayers.

BAN THE STEEL-JAW LEGHOLD TRAP

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SCHEUER. Mr. Speaker, today I am introducing a bill to end the use of steel-jaw leghold animal traps in the United States. This essential legislation will put an end to the in-

humane treatment that continues to inflict unnecessary pain and injury on upward of 30,000 animals annually in the United States.

The suffering caused by the leghold trap begins with its steel jaws slamming shut on the animal's limb; causing excrutiating pain as the helpless animal attempts in vain to escape. Often the animal will be forced to chew off his own limb in order to extricate itself from this insidious device. Any animal who does in fact manage to escape the deadly clutches of the steel-jaw trap faces illness and death from infection, blood poisoning, loss of blood, and gangrene. The horrifying reality is that these are the fortunate ones. Those unable to escape lie dying, completely helpless to attacks from nearby prey, freezing temperatures, or starvation. These instruments of torture do not discriminate in their carnage, often capturing household pets, livestock, and endangered species; such as, hawks, eagles, and owls. There are several less cruel but equally effective ways to catch animals; such as, cage and box traps, and cable coated legsnares. Animals trapped mistakenly by these alternative traps can be released with little or no injury.

In addition to the animal cruelty involved with the use of the steel-jaw trap, we need this legislation in order to protect and preserve the health of our fur industry. On September 10, 1990, the European Parliament, recognizing the cruelty involved with the steel-jaw leghold trap, recommended a ban on furs from countries that have not outlawed these traps. By not acting immediately to outlaw these traps, we risk losing a major market for our fur industry, namely the European Community.

This vital legislation prohibits the use in interstate and foreign commerce of the traps and forbids the sale of all fur caught with the steel-jaw leghold trap. I implore my distinguished colleagues to join with the various animal rights groups throughout the United States, and the over 60 cosponsors from all over the country and both sides of the aisle in banning these traps; just as the States of Florida, Rhode Island, New Jersey, and more than 50 countries around the world have done. Let's put an end to this atrocious act against all of nature.

HONORING JOHN E. FOSTER—A REMARKABLE YOUNG MAN

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. PARKER. Mr. Speaker, today I stand in the Halls of Congress, in the people's Chamber, to speak in honor of a remarkable young man and citizen of my district, Mr. John E. Foster.

John is a senior at Jackson State University, in Jackson, MS, majoring in physics. He was recently selected as 1 of 20 college undergraduates from across the country to Gannett's USA Today's 1991 All-USA College Academic First Team. The academic first team was chosen by panels of educators from 854 students nominated by their schools. The criteria given most consideration were a student's individual scholarship or intellectual endeavor and leadership roles in activities on and off campus.

John wants to be an astronaut, and according to his professors he probably will be. He has had internships at NASA's Lewis Research Center, the Lawrence Livermore National Laboratory, MIT's Lincoln Lab, and NASA's Space Life Science Training Program. His specialty is space propulsion. He is, in other words, a rocket scientist. He also happens to be a rocket scientist who has never received a grade other than an A. John is a bilingual computer programmer, fluent in Basic and Fortran. He tutors other students in science and math, and helped to devise a program for elementary students at Jackson State observatory.

John is from Natchez, MS. He is the son of Alice and the late Henderson Foster. He will receive a B.S. degree in May as valedictorian of his class. I am confident that he will be in the forefront of this Nation's next generation of leaders.

I commend John on the example he has set for other Mississippians. He is truly a beacon of light and hope.

INTRODUCTION OF H.R. 815

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. OBERSTAR. Mr. Speaker, studies of the management structure of the Federal Aviation Administration have indicated the need for reforms that permit the FAA to more effectively attract experienced air traffic controllers into the managerial and staff ranks of the agency.

I, along with Representatives CLINGER, DE LUGO, DE FAZIO, LIPINSKI, OAKAR, and PENNY have introduced H.R. 815 which will assist the FAA in recruiting and retaining the highest quality of supervisor and managers into our Nation's air traffic control system.

Currently the FAA has difficulty in recruiting exceptionally qualified candidates into second-level supervisory and managerial positions in air traffic control-related operations. This situation is largely due to the disparity in retirement benefits between air traffic control positions and second-level supervisory, managerial, and staff positions for which air traffic control experience is a prerequisite.

Retirement benefits are currently available to air traffic controllers, first-level supervisors, and traffic management coordinators after 25 years of service regardless of age, or 20 years of service at age 50. However, under current law, prospective candidates for secondary positions in air traffic operations are discouraged from seeking or accepting promotions into such positions because time spent in secondary air traffic positions does not qualify for credit for early retirement purposes under current civil service laws.

According to the FAA, approximately 2,900 managerial and staff positions in the air traffic work force are excluded from the early retirement coverage. These positions, for which air traffic control experience is a prerequisite, include management, staff, training specialist, and data systems specialist positions, whether performed in an FAA field facility, its regional offices, or its headquarters in Washington. This exclusion significantly discourages air traffic controllers from seeking or accepting assignments and promotions into the managerial and staff ranks at the FAA.

The legislation I have introduced would provide significant assistance to the FAA in relieving recruitment problems currently associated with management and administrative positions in its air traffic operations by providing credit for time spent in secondary positions toward the 20 or 25 years required for retirement benefits. The bill would assure that civil service laws governing retirement do not penalize air traffic controllers who are promoted in the career ladder into managerial and administrative positions.

In fact, it would bring the treatment of supervisors and managers in the air traffic control profession into line with other stressful occupations such as law enforcement and firefighting. In 1972, Congress recognized the need to provide incentives for promotion into managerial ranks when it extended retirement credit to secondary positions held by law enforcement officers and firefighters. It is now time to recognize the need to extend these retirement benefits to air traffic control secondary positions and remove the disincentive for well qualified people to seek these positions.

Mr. Speaker, this measure will promote and advance the quality of our Nation's air traffic control system. When it is enacted, every air passenger and air carrier will benefit from the management improvements it provides toward assuring that our air traffic system remains the world's best.

I urge our colleagues to join me in cosponsoring this legislation. Members should have their staff call David Bleicken in my office at extension 56211 if they wish to cosponsor H.R. 815.

BELMAR, NJ, ST. PATRICK'S DAY PARADE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. PALLONE. Mr. Speaker, Irish-Americans from a three-State area, as well as many other Americans from a variety of ethnic backgrounds, will be gathering in Belmar, NJ, on Sunday afternoon, March 10, to witness Belmar's 18th Annual St. Patrick's Day Parade, which has become the biggest and best attended St. Patrick's Day Parade in the State of New Jersey.

The parade, from its modest beginning, under the sponsorship of Jerry Lynch Social and Civic Club in 1973, has grown tremendously every year. The 1990 parade attracted a record crowd of 150,000—by police count—who jampacked both sides of Belmar's mile-long Main Street.

This year's parade, which is dedicated to America's men and women in the Persian Gulf, promises to be the best ever. Mr. George McCormack, parade president, and Mr. Jerry Lynch, the parade's founder, are

looking forward to another record crowd—not only in the number of spectators, but also in the line of the march.

The bagpipe bands, always a big attraction at Irish events, will number eight. Among them will be the bagpipers from the Friendly Sons of St. Patrick of Old Bridge, NJ, who will march in Belmar this Sunday and in the big New York City St. Patrick's Day Parade, March 16, then fly to Ireland to march in Dublin's St. Patrick Parade the next day, March 17, and the parade in the Irish city of Limerick on March 18. Several years ago, the Old Bridge pipers won first prize among the foreign bands at Dublin.

In addition to the bagpipers, the line of march will include over 2,000 marchers from 125 organizations, and bands from the area's elementary and high schools and other organizations, the beauty queen and her court and some 10 floats.

The parade is the big feature of the St. Patrick weekend in Belmar, but certainly not the only event. On Saturday, March 9, the grand marshal, Mr. John F. Fleming of Point Pleasant, NJ, senior vice president and auditor of the Carteret Savings Bank, and the deputy grand marshal, Mrs. Isabel Ann Smith of Avon, NJ, will be inducted at a special mass at Belmar's St. Rose Church.

The Most Reverend Edward U. Kmiec, auxiliary bishop of the Trenton Diocese, will be the concelebrant, with 15 priests attending. The choir, under the direction of Mrs. JoAnn Roy, will present a special program. Parade founder Mr. Jerry Lynch will sing the "Star-Spangled Banner" and the Soldier's Song, and Ireland's national anthem, which he will do again at the parade site the next day. The mass will be followed by a communion luncheon at September's Restaurant in Neptune, NJ.

It is interesting to note the Irish ancestry of Grand Marshal Fleming and his wife goes back well over 200 years, and Deputy Grand Marshal Mrs. Smith can trace her lineage to Ireland's legendary king, Brian Boru.

Another big event will be the annual St. Patrick's Beauty Pageant scheduled for Friday evening, March 1, at Doolan's Restaurant in Spring Lake Heights, NJ. More than 20 young women from the area will compete for the right to wear the 1991 crown and parade with the queen's court in the annual parade. Lois Gallagher, Joan Grace, and Frances Lynch are members of the committee-in-charge.

To raise funds, the committee sponsored parties at Bar Anticipation in South Belmar, NJ, and September's in Neptune. In addition to Mr. McCormack and Mr. Lynch, the parade committee includes Mr. Andrew J. Gallagher and Mr. Dave Stanley.

Mr. Speaker, I will once again be taking part in the parade on Sunday, as I do every year. The Belmar St. Partick's Day Parade is one of the major events on the Jersey Shore, and I am proud to pay tribute to this great event with my colleagues in this House and in the pages of the CONGRESSIONAL RECORD.

SNOWE SUPPORTS THE GUARD AND RESERVES

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Ms. SNOWE. Mr. Speaker, today I am introducing legislation to expand the tax relief provided for our troops deployed to Saudi Arabia to the Guard and reservists who were deployed overseas.

Over 206,000 reservists were activated to support Operation Desert Storm and Desert Shield. One of the first reserve units to be activated was the Naval Reserve Unit COMSCMED 201 homeported in Bangor, ME. I visited with these men and women in late August just before they were shipped out. They were given little notice and have been away from their family, their friends, and their businesses for over 6 months.

Since the end of August they have worked throughout Europe to keep the massive sealift operation of supplies, equipment, and troops moving. Their job was an essential ingredient in ensuring the success of Operation Desert Storm.

I have received letters from several members of the outfit recently, expressing concern that their efforts in support of the war have been forgotten. I would like to share with you a portion of one of these letters:

> I am writing this because I am concerned that those of us who have been placed in the support role for what is now Operation Desert Storm have been forgotten. We have just been extended for another six months and I continue to read about all the support being given for our fellow sailors and soldiers in the Gulf and their families. No consideration has been given to the others who have also given up their jobs, their families, and are ready to give up their lives for our country. The recent tax waivers granted by Congress left all the rest of us out. It would have been nice to know that my taxes could have waited to be processed after my return home—whenever that may be.
>
> I and the other members of my unit are proud to be serving our country. We answered the call without question.

The bill I am introducing today would grant members of the 201st and their fellow Guard and reservists who were deployed outside the United States the benefit of a 180-day extension on their tax filing from the date of their return.

While some of our troops will begin the trip home this week, others like the 201st, who work on the transportation of personnel and equipment, may not get home for a while.

Our weekend warriors have performed their jobs with professionalism, with pride, and with honor alongside active duty troops both in the combat zone and throughout the world. Their work, whether it has been in communications, shipping, medical assistance, or equipment operation has played a vital role in the success of the United States and our allies in achieving the objectives of Operation Desert Shield/Desert Storm. They deserve our thanks, our praise, and a 180-day extension on their taxes.

Another reservist from the 201st stated in his letter,

> * * * I again reiterate that I feel that we Reservists who have been recalled to Active Duty in support of Desert Shield/Desert Storm feel like the Few, the Proud, the Forgotten. I ask you please don't forget us.

I urge my colleagues to join me in support of this bill and I hope for its expeditious passage through this body so our reservists and their families know that their hard work and their sacrifice have not been forgotten.

RECOGNIZE OUR SENIOR CITIZENS ON NATIONAL SENIOR CITIZENS DAY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SMITH of Florida. Mr. Speaker, yesterday I introduced legislation to designate Sunday, August 17, 1991, as "National Senior Citizens Day." America's senior citizens deserve our acknowledgement of their continued contributions to our Nation.

Last year, we were able to pass House Joint Resolution 591, Public Law 101–88, which recognized our senior citizens. Please join me again this year so that we can give our senior citizens the same honor.

Our Nation's senior citizens are a wealth of knowledge and history. Since many are no longer working and perhaps retired far away from their families, our seniors are not always surrounded by people who may learn from and appreciate their accomplishments. Our senior citizens are living history, unending sources of warmth, ideas and experience.

Our senior citizen population is growing. In 1989, 21 percent of the population consisted of citizens aged between 55 and 65, while 12 percent of the population were over 65—the figures from the 1990 census are not yet available. This phenomenon is due to a number of factors including advanced medical technology and the coming of age of the post-World War II baby boomers.

To acknowledge the senior citizens in your district and the Nation, please join me in designating Sunday, August 17, 1991, as National Senior Citizens Day.

REDUCING OVERHEAD COSTS OF THE GOVERNMENT

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. SMITH of Texas. Mr. Speaker, one-fifth of our $1.45 trillion budget consists of overhead, or administrative expenses.

The Government has never made a serious, comprehensive attempt to examine and control these costs.

The Budget Reconciliation Act of 1990 sets spending caps for the next 5 years.

It is now more important than ever to ensure that every tax dollar is used as effectively as possible.

For these reasons, I am introducing a resolution today expressing the sense of Congress

that better controls on overhead expenses should be instituted and that it should be the policy of the U.S. Government to reduce overhead costs by 10 percent in fiscal year 1992.

No personnel would be cut, no programs eliminated.

But $27 billion would be saved that could be used for the public good.

SUPPORT FOR HOUSE RESOLUTION 95

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. FOGLIETTA. Mr. Speaker, I would like to take this opportunity to explain my support for House Resolution 95.

This resolution would commend the men and women in the U.S. Armed Forces who participated in the military operation in the Persian Gulf. These men and women deserve our sincere gratitude. They fought hard and valiantly. They made us all proud.

The resolution lauds the soldiers from the other members of the coalition. They, too, deserve our appreciation. That American soldiers fought side by side with the French, the British, the Saudis, the Kuwaitis, the Egyptians, the Italians, and the other allies was vital to the success of this effort.

The resolution expresses the compassion of this body for the families of people who suffered losses during this war. I, too, wish to convey my sympathy and condolences to the families and friends around the world in mourning.

I do not want my support for this resolution, however, to imply that I believe there were no mistakes in judgment during this episode in our history.

There may have been different paths which would have brought about a peaceful resolution to the conflict. Let's not let the euphoria of the moment blind us to the lessons which could be learned not only from our great successes, but our missteps as well.

PUBLIC PENSION EQUITY RESTORATION ACT OF 1991

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. MATSUI. Mr. Speaker, I rise today to introduce the Public Pension Equity Restoration Act of 1991. This legislation is designed to respond to the unfortunate fact that our pension laws do not reflect the unique characteristics of our State and local governments, their pension plans and beneficiaries.

Specifically, I am referring to section 415 of the Internal Revenue Code, which was initially enacted as part of the Employee Retirement Income Security Act of 1974 [ERISA]. Its purpose is to limit the ability to accumulate retirement income on a tax-deferred basis, particularly through the use of employer-deductible contributions, by capping the amount that can either be contributed to certain plans known as defined contribution plans, or paid out in benefits from other pension plans known as defined benefit plans. Although section 415 has been amended over the years, it continues to impose two basic limits on retirement income provided by defined benefit plans, into which category the vast majority of public employee plans fall. Namely, the retiree's benefits cannot exceed either; first, 100 percent of his or her average income over the 3 consecutive years of highest W–2 compensation, or; second, maximum dollar amount, which may be actuarially reduced in the case of early retirement.

If the benefits of even one employee happen to exceed either of these section 415 limits simply by operation of the regular benefit formula under the plan, the entire plan can lose its qualified—tax-exempts—status. If a plan were disqualified, earnings of a pension plan would be subject to taxation. Furthermore, contributions made by employers would be taxable to the employee in the tax year in which they were made.

Section 415 has been amended in 1976, 1978, 1980, 1981, 1983, 1984, and 1986. The thrust of these amendments was to refine the provision and to lower the cap on amounts that could be set aside for retirement years, which had been permitted to increase with inflation. However, in lowering the cap, Congress was forced to confront the legal quandary in which State and localities found themselves. Their courts or constitutions prohibit a reduction in a benefit promised when a pension participant first becomes covered by the plan. Since these court decisions are based on State and Federal constitutional prohibitions against impairment of contracts, the rulings cannot always be overturned merely by amending State laws or State constitutions.

Recognizing that these legal barriers would force States to violate these lower section 415 limits, Congress decided in 1988 to entice State and local government plans to elect the lower benefit limits. A special rule was provided that enabled a plan to grandfather benefit payments to existing employees and retirees that were in excess of pre-1986 limits if the plan agreed to adopt the lower, post-1986 dollar limits for new employees hired after December 31, 1989.

Thus, we believed we had leveled the playing field. Public plans would have the same benefit limits as private plans without forcing violations of contracts and constitutions in the various States. The 1988 rule would prohibit higher income persons in the public and private sector from developing big retirement windfalls on a tax-deferred basis.

Unfortunately, we were wrong. Even with grandfathering, section 415 limits will still be exceeded by public plans, but not because of a few, highly compensated academics, football coaches, or public safety employees with large amounts of overtime. Thanks to the 100 percent limit, even someone receiving a pension of less than $20,000 a year will violate section 415. Take this real-life example. A local public safety employee was hired in 1981 and retired at age 33 as a result of a disability suffered in the line of duty. This employee's final salary was $24,996, resulting in an unmodified annual retirement allowance—including annuity benefits—of $19,536. Of this allowance, $18,744 is employer provided as defined under section 415. Also, as a result of the employer pickup of contributions and modest use of the employer's section 457 plan—8 percent of pay had been contributed into that plan—this employee had a section 415 percentage of pay limit of $16,788. As a result, the employee would have to suffer a $163 monthly cutback during the first year of disability, or else the entire plan could lose its qualified status, and every employee covered under that plan would be taxed currently on their retirement contributions.

The legislation which I am introducing will give State and local governments needed flexibility, but not at the expense of undermining Federal limits on the amount of money that can be set aside on a tax-deferred basis. My bill will permit public pension plan compliance with section 415 in a manner that acknowledges the technical differences between public and private pension plans and the legal constraints that public plan sponsors face. There are significant differences between public and private pension plans and the Internal Revenue Code should reflect this. Public sector plans already are the subject of intense State and local government regulation and scrutiny. Public employee plans are accountable to voters whose taxes fund the State or local government's contribution to the plan, and to the same taxpayers to whom we in Congress are accountable.

Mr. Speaker, I urge each of my colleagues to cosponsor this needed legislation.

THE PLASTICS RECYCLING ASSISTANCE ACT OF 1991

HON. THOMAS J. BLILEY, Jr.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. BLILEY. Mr. Speaker, the Environmental Protection Agency [EPA] estimates that the United States generates 158 million tons of municipal solid waste per year. That equals about 3.5 pounds per person per day. And the task faced by our local governments to find a place to put this solid waste has become daunting. In 1978, there were roughly 14,000 landfills in the United States; today, it is estimated that there are about 5,500; in 2003, only 1,500 landfills are expected to be in operation.

The theme for last year's Earth Day was "Think Globally; Act Locally" and I feel it is a most fitting theme for our solid waste problem. Our solid waste stream will not change unless we in the community start changing some of our personal lifestyle choices. It is as simple as that. Beyond that, our local governments are in the best position to design and manage a voluntary or mandatory recycling program in an efficient manner.

Of course, these actions will not totally solve our problem until this garbage can be properly viewed as a resource. This is the area in which the Federal Government has an appropriate role. Today, approximately 80 percent of plastic refuse is buried in landfills. One of the reasons for this untapped resource being

treated as garbage is that recyclers have great difficulty determining the resin content of the multitude of different plastic products. I am pleased to join with my colleague from Illinois, Mr. BRUCE today to introduce the Plastics Recycling Assistance Act of 1991. This bill will take a simple yet important step by establishing a uniform system of symbols to label the resins used in the containers.

This bill is not overburdening regulation or added redtape. This bill is the Federal Government establishing national standards that will allow the private sector and our local governments to meet the solid waste challenge in a more efficient and cost-effective manner. I again want to note the leadership of Mr. BRUCE on this issue and urge my colleagues to support this worthy measure.

CONGRESSIONAL CAMPAIGN FINANCE REFORM

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. DERRICK. Mr. Speaker, I am delighted to reintroduce today legislation to reform the way congressional candidates finance their campaigns.

Critics of the current system have charged in recent years that congressional candidates rely too heavily on contributions from political action committees, or PAC's, and too little on contributions from individual voters back home. They have succeeded in planting the idea in many peoples' minds that PAC contributions are inherently evil because PAC's serve only the interests of fatcats at the average citizen's expense.

Although I disagree with the critics' premise, I strongly agree that congressional candidates should shift their fundraising away from PAC's and more toward individual contributors, for several reasons. First is the public's growing perception of PAC's as special interests. Second, increased small contributions would lead candidates to get out and meet more voters face to face. Finally, the overwhelming majority of PAC contributions flow to incumbents, so our current system makes it tough for challengers to raise enough money to mount credible campaigns.

My legislation would reduce the amount PAC's can contribute to congressional candidates from the current $5,000 per election to $2,000. The bill also encourages small donors to contribute by creating a tax deduction of up to $200 for contributions to candidates from a taxpayer's home State. To encourage candidates to solicit such contributions, the bill provides for dollar-for-dollar Federal matching payments for all qualifying contributions. To weed out frivolous candidates, only those who demonstrate broad appeal by raising at least $25,000 in increments of $200 or less would be eligible to receive Federal matching payments.

I also believe candidates rely too much on negative, often vicious campaigns centered around 30-second TV commercials which say relatively little about issues. My bill requires broadcasters to provide their lowest unit charge for congressional campaign ads of 1-minute or longer in duration. If a congressional candidate wants to go negative, he can, but it would cost him significantly less to take the high road.

Mr. Speaker, the American people were disappointed that the 101st Congress failed to enact campaign finance reform. This Congress must act quickly to restore public confidence in our electoral system. The features of this legislation will greatly improve the way we elect our Congress, and I urge Members to support it. I want to thank Dr. Norman Ornstein of the American Enterprise Institute for his assistance in drafting this measure.

THE WOMEN IN DEVELOPMENT ACT OF 1991

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mrs. SCHROEDER. Mr. Speaker, in observance of International Women's Day, March 8, I join my colleague, Representative OLYMPIA SNOWE, in introducing the Women in Development Act of 1991. Our bill will ensure that development agencies—the Agency for International Development and the Peace Corps, do not ignore the vital roles women play in the world's economy.

Women produce, process, and market up to 80 percent of the food in developing countries, run up to 70 percent of all microenterprises, and maintain one-third of all households. Obviously, to successfully promote Third World development women must be included in the process.

Eighteen years ago, with the passage of the Percy amendment to the Foreign Assistance Act, Congress recognized this need by requiring the U.S. bilateral assistance programs pay special attention to development activities that integrate women into the national economies of their countries. To ensure that we integrated women into development projects we must spell out minimum goals for the Agency for International Development and the Peace Corps. Our bill does exactly that.

I ask my colleagues to join us in cosponsoring this important improvement in development priorities.

PRAISE FOR CITY OF CLAREMONT'S ALTERNATIVE FUEL FLEET

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. DRIER of California. Mr. Speaker, I rise today to commend the city of Claremont, CA, for its decision to adapt its police cars to use propane fuel, and to remind everyone that we all have a role in improving the quality of the air we breathe.

Claremont is a city which suffers from collected Los Angeles smog as it blows east. In the Los Angeles basin, one or more Federal air quality standards are exceeded over 200 days a year. On-road vehicles in the basin add 43 times as much carbon monoxide [CO] as all the basin's stationary emissions sources.

Switching Claremont's 12 patrol cars from gasoline to propane fuel won't solve Los Angeles' smog problems alone, but it will cut smog emissions from those vehicles by 40 percent, and save the city $900 per month in the process. I was proud to have played a role in the crafting of the Clean Air Act amendments signed by President Bush last year, but air quality in Los Angeles, Claremont, and around the Nation won't improve without everyone doing their small part.

1991 DROUGHT: CALIFORNIA'S CONTINUING WATER BATTLE

HON. GARY CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. CONDIT. Mr. Speaker, I rise today to discuss an issue of great importance to my constituents and the entire State of California. As you know, California is facing one of the most severe droughts in years. All sectors of the population have been affected by the drastic water shortages of this year.

The Governor has asked all water districts to prepare contingency plans to deal with a worst case scenario, which would be a continuation of the drought into next year. The State water project has cut all agriculture water deliveries for the year and the Federal Government has cut agriculture water deliveries from 25 to 75 percent depending on existing contracts. There are some who believe that the answer to our drought situation is to suspend all deliveries, except for permanent crops, to California's farmers. I disagree with this suggestion and urge my colleagues to bear in mind the very important economic impact of California agriculture.

The California agriculture industry is an $18 billion a year industry employing over 360,000 people. Each dollar in agricultural sales generates an additional $3.50 in increased economic activity within the State. Nearly 20 percent of the State's work force is involved in an agriculturally related industry.

In addition, California agriculture provides a very important component of U.S. exports—10 percent of the Nation's agricultural exports are from California. The production from one out of every three acres in California ends up in the export market. Clearly, a drop in California agriculture production will have an impact on our Nation's economy.

There are many communities in California that depend on the vital agriculture industry for their survival. Proposals to completely shut down farm operations ignore the economic repercussions that would result in these numerous communities. The issue is not between farmers and city dwellers, but between the continuation of an important industry and the livelihood of a great many Californians. I urge my colleagues to keep these important facts in mind when presented with choices on the current and future uses of water in California.

PRESIDENT BUSH SINGLES OUT NASHVILLE GUARDSMAN'S ACT AS SYMBOL OF COMPASSION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1991

Mr. CLEMENT. Mr. Speaker, President Bush last night spoke for all Americans in thanking our Nation's armed services for their tremendous victory in the Persian Gulf war.

This victory, he pointed out, was a victory for every country in the coalition and for the United Nations. It was a victory for unprecedented international cooperation and diplomacy. It was a victory of right over might, justice over injustice, freedom over oppression.

Our fight was an act of selflessness. And, as an example of that selflessness, the President singled out the actions of a member of the Tennessee National Guard, a Nashvillian. These actions, he said, were a symbol of how generous and caring Americans are.

In his speech last night, President Bush spoke of a February 26, CNN clip showing 1st Sgt. Charles Sieberling accepting the surrenders of Iraqi soldiers.

I am proud to inform my colleagues that 1st Sgt. Sieberling is assigned to the Tennessee Army Guard's 212th Engineer Company at Dunlap and has been in Saudi Arabia since November 11. He has been a member of the National Guard since 1975 and served in the Army in Korea and South America. He was a Metro Nashville councilman in 1971–75 and served for a time as a cryptographer for President John F. Kennedy.

"I'm sure many of you saw on television the unforgettable scene of four terrified Iraqi soldiers surrendering," the President said, not mentioning 1st Sgt. Sieberling by name.

"They emerged from their bunker broken, tears streaming from their eyes, fearing the worst. And then there was the American soldier. Remember what he said? He said: 'It's OK. You're all right now. You're all right now.'

"That scene says a lot about America," the President said, "a lot about who we are. Americans are a caring people. We are a good people, a caring people. Let us always be caring and good and generous in all we do."

Like all Americans, I am proud of 1st Sgt. Sieberling's simple act. He confirmed what we all know to be true—that America does not have designs on Iraq, that it does not have a dispute with the Iraqi people, particularly the conscripts Saddam Hussein put on the front lines.