# SENATE—*Thursday, April 11, 1991*

*(Legislative day of Friday, March 22, 1991)*

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable CHRISTOPHER J. DODD, a Senator from the State of Connecticut.

## PRAYER

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

Let us pray:

*For none of us liveth to himself, and no man dieth to himself. For whether we live, we live unto the Lord; and whether we die, we die unto the Lord: whether we live therefore, or die, we are the Lord's.*—Romans 14: 7, 8.

Eternal God, perfect in love, grace, and mercy, Giver of life, we thank Thee for Thy fatherly care and compassion. With saddened hearts we recall with gratitude Senator John Tower, his powerful leadership in the Senate, his effective championing of a strong national defense, his perseverance in difficulty and his faithful friendship.

We join with his loved ones in mourning his untimely death and that of his daughter, Marian. God of all comfort, fill the hearts of all who suffer this loss with Your peace, encouragement, and assurance.

Forgive us, eternal God, that we live so much of our lives insensitive or indifferent to eternity until tragedy reminds us of the transiency of this life. Forgive us for living as though the grave is the end, and only that which is material is real. Remind us of your unconditional love so profoundly promised in the Bible, and teach us to live in the light of eternal reality.

In the name of Him who is life and the light of the world. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, April 11, 1991.*

*To the Senate:*

Under the provision of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER J. DODD, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

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

## RECOGNITION OF THE MAJORITY LEADER

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

## SCHEDULE

Mr. MITCHELL. Mr. President, today, following the time reserved for the two leaders, there will be a period for morning business not to extend beyond 1 p.m., with Senators permitted to speak therein for up to 5 minutes each. During this period for morning business Senators may offer eulogies to our late colleagues, Senator Heinz and Senator Tower.

On Tuesday, I expressed the hope that by today the Senate could proceed to the consideration of S. 207, the CFTC authorization bill. For the information of the Senate, I now announce that, once morning business is closed, it is my intention to proceed, either directly or through a designee, to move to proceed to the bill. I understand that there is continuing disagreement on some matters and that there is likely to be considerable discussion on it. That is, of course, appropriate and within the rules.

It seems to me at some point we have to attempt to proceed to the bill and, following very lengthy periods of notice stretching over a long period of time of my intention to do so, we will attempt to do that early this afternoon.

## OZONE HOLE DEPLETION

Mr. MITCHELL. Mr. President, two events in the last 10 days highlight the value of action, rather than further study alone, in protecting our environment.

Last week, the National Aeronautics and Space Administration [NASA] released data showing that the protective ozone layer over the United States, as well as elsewhere, is being depleted more than twice as quickly as previously estimated. Despite the fact that this country has on its own, and in concert with other nations, enacted legislation to curb emissions and production of ozone-depleting chemicals, we now know we have not done enough. And we know that we cannot afford to delay taking additional action.

Yesterday, the National Academy of Sciences released a report on global warming policy options. The report stated:

> The panel finds that, even given the considerable uncertainties in our knowledge of the relevant phenomena, greenhouse warming poses a potential threat sufficient to merit prompt responses. * * * Investment in mitigation measures acts as insurance protection against the great uncertainties and the possibility of dramatic surprises. In addition, the panel believes that substantial mitigation can be accomplished at modest cost. In other words, insurance is cheap. (Report, at p. 67)

Hesitation over the technological cost of action has too often masked the health and environmental costs of inaction. I am encouraged that the National Academy of Sciences' panel recognizes the latter costs.

The NAS panel proposed measures that will both reduce greenhouse gas emissions and U.S. dependence on oil. These twin goals are not only possible, they are necessary components of any serious energy policy.

The NAS panel recommended we "improve the efficiency of the U.S. automotive fleet". This single action can do more than any other individual step to both curb carbon dioxide emissions and reduce our dependence on oil.

We should also work with other nations to put in place international limits on greenhouse gas emissions. In fact, the United States is isolated internationally in its continuing refusal to endorse a policy of carbon dioxide reduction or stabilization.

Almost every one of our friends and allies in the developed Western nations has committed itself to a policy of carbon dioxide stabilization or reduction. Yet, the administration adamantly refuses to have the United States adopt such a policy.

But even unilateral U.S. action will have substantial benefits for the planet because the United States alone contributes more than 20 percent of the world's greenhouse gas emissions. Much of that is the result of wasteful practices. Such waste is unnecessary. Our continued economic growth does not depend upon it. In fact, our very survival may rely on our ability to more efficiently use the resources we have.

We can and must act now to become more efficient. Our buildings, lighting, appliances, and vehicles can all be made more efficient without sacrificing quality. In fact, the NAS panel concluded we could improve the corporate average fuel efficiency standards with existing technology from the current 27.5 miles per gallon to 32.5 miles per gallon at a net benefit, rather than

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

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cost, and a 300 million metric ton reduction in carbon dioxide emissions. By doing so we can save money, reduce greenhouse gas emissions, and reduce our dependence on oil, all at the same time. These combined benefits are compelling.

The NASA data suggest that the ozone layer over the United States has depleted 4 to 5 percent since 1978. Each percent depletion of the ozone layer is estimated to cause a 5 to 7 percent increase in skin cancer.

EPA Administrator William Reilly estimates that there could, as a result, be an additional 200,000 skin cancer deaths in the United States over the next 50 years.

In addition, crops and aquatic organisms, including those organisms at the beginning of the oceanic food chain, will suffer more damage than previously estimated.

We have, unfortunately, as a society, not done enough to protect public health and the environment from ozone depletion.

Fortunately, we can take regulatory action in this country immediately to further reduce emissions and production of ozone depleting chemicals.

Section 606 of the 1990 Clean Air Act amendments requires the Administrator of the Environmental Protection Agency to accelerate the year 2000 deadline for phaseout of ozone-depleting chemicals listed in the Act, if the Administrator determines such acceleration may be necessary to protect human health and the environment. Such a determination is warranted.

I encourage EPA to move quickly to promulgate regulations implementing the 1990 Clean Air Act amendments and to propose an accelerated phaseout schedule for substances that deplete the ozone layer.

The European Community has already committed to ceasing production of chlorofluorocarbons in 1997, 3 years earlier than required under the Montreal protocol. Considering the risks to human health and the environment, it seems clear that this minimal step is essential.

In addition, we should move quickly to provide assistance to developing countries so that they will have access to substitutes more quickly and can eliminate their production and use of CFC's well before the scheduled date for them, of the year 2010.

We have regrettably under-estimated the risk to our planet. We must act. We must not delay. Congress deliberately provided a clear mandate to the EPA Administrator to act in just these circumstances. I urge him to do so.

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Maine.

Mr. COHEN. Mr. President, I ask unanimous consent I be allowed to complete a statement pertaining to our deceased colleague, John Heinz. It may take me a few moments beyond the 5-minute limitation. I ask the Senate's indulgence.

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

## JOHN HEINZ

Mr. COHEN. Mr. President, a few days ago I stood in this Chamber and offered some final words about my friend, John Tower. I offered those comments in part in response to a plea made by one of John's daughters at his memorial service. She said, "Please don't let them forget about what our father did in the Senate. Not that the Senate rejected him, but remind them of the contribution he made."

In my fashion I tried to say exactly what John Tower meant to me and what I believe he meant to his country.

Shortly after I delivered my remarks, I received a call from one paper and a request was made for a copy of my comments.

My initial reaction was, why bother? They will only report something negative, not what was said, but what was not said.

I yielded, not that it would have made much difference. But nearly 19 years in public service has left me with a touch of cynicism.

So it came as no surprise that when I read a summary of my comments in one of the national papers, it reported that I said that Tower was part poet, part preacher, pure patriot. And yet several paragraphs later, it said, "Cohen did not mention the Senate's crushing rejection of Mr. Tower" for the post of Secretary of Defense because of allegations of womanizing and drinking.

How could I have been so obtuse or dissembling? Surely even though only a day had passed since we commemorated John Tower's life, I should have reminded my colleagues of the vote cast against my friend. What an oversight on my part. Or was it misrepresentation by omission?

And, of course, my own remarks were preceded by comments by Senator SPECTER who pointed out that a national newspaper in recounting John Heinz's life and death felt compelled to say that Senator Heinz failed to relate well to many of his colleagues. This final thrust of the pen/sword into the grave. For all of his gifts, talents, contributions, critics said he was not particularly popular, that he did not connect well to his colleagues. Eighty of his colleagues—including the Vice President—flew through what I would describe as gale force winds yesterday to pay tribute to John Heinz. There was no mandatory attendance. No records kept. No absentees noted. No penalties exacted. Not bad for a man who did not manage to relate well to his colleagues.

We who hold public office understand that it is fair game for the critics to hold a lantern to our faults and deficiencies. Perhaps it is a bit naive of me to think that death might grant us a momentary respite from the arrows of those who choose not to step beyond the protective rim of private life.

I do not wish to dwell on this subject. All of us understand what we give and what we give up. And most of us, for a variety of reasons, still choose to go on. And so I hope that Senator SPECTER's son will not be discouraged from public service, that he will not turn away because of the foreknowledge that public service will result in the prospect of the reporting of our failings as well as our successes.

Mr. President, I should like to make a few brief remarks about Senator John Heinz himself.

Yesterday, as I indicated, I joined my colleagues and traveled to Pittsburgh to participate in a very special memorial service.

As I sat in the exquisite Heinz Memorial Chapel, I was touched by a floodtide of different sounds, colors, emotions.

The Sun kept moving out from behind clouds and bursting through the stained glass windows of the chapel. The red and yellow colors seemed touched by fire. And then the clouds fought back and the blues and the purples took on a deeper, darker, more beguiling and beautiful depth, and it was the play of light and shadow that became a metaphor for my, I should say for our, existence, and our inevitable departures. And who can say which colors, indeed, were the more beautiful?

There was a poignant moment of silence when the singing violins and cello paused between the fugues and concertos of Johann Sebastian Bach and we heard the metallic and rhythmic click of military pall bearers as they carried a flag draped coffin to the front of the chapel. And moments later we heard the soft heel of a widow moving toward her husband's bier.

We heard the voice of JACK DANFORTH—a voice so deep, rich and strong, that I thought for a moment it

was the music coming from the chapel's organ.

I thought of all the years of service and friendship with someone I would never see again and I thought of A.E. Housman's poem "To an Athlete Dying Young."

The time you won your town the race
We chaired you through the market-place;
Man and boy stood cheering by,
And home we brought you shoulder-high.

To-day, the road all runners come,
Shoulder-high we bring you home,
And set you at your threshold down,
Townsman of a stiller town.

Smart lad, to slip betimes away
From fields where glory does not stay
And early though the laurel grows
It withers quicker than the rose.

Eyes the shady night has shut
Cannot see the record cut,
And silence sounds no worse than cheers
After earth has stopped the ears:

Now you will not swell the rout
Of lads that wore their honors out,
Runners whom renown outran
And the name died before the man.

So set, before its echoes fade,
The fleet foot on the sill of shade,
And hold to the low lintel up
The still-defended challenge-cup.

And round that early-laurelled head
Will flock to gaze the strengthless dead,
And find unwithered on its curls
The garland briefer than a girl's.

Housman offered us a paradox—that an early death of an athlete is a matter for celebration rather than sorrow. Smart lad to beat us in a race that we must all run to the grave. Fame, after all fades; it withers quicker than the rose; silence is no worse than cheers when earth has stopped the ears.

And yet I took no comfort in the poet's paradox. There was so much more to come.

John Heinz was in the very prime of life. He was young, handsome, athletic, intelligent, wealthy, blessed with an extraordinary wife and three fine sons, a life enhancing smile and genuine good humor.

There was a driving ambition in John—ambition in the best sense of that word—to do something, not to be some one. To do something for those who had less, the elderly, the vulnerable, the weak.

He was not an athlete who had just run his best race. There was always more to come. And it was this promise denied that hurt the most.

As our colleagues TIM WIRTH and JACK DANFORTH noted so eloquently yesterday, John Heinz could have played it safe, could have stayed in the corporate world of wealth and comfort, never risking defeat or public repudiation or be forced into stock transfers or, indeed, financial disclosures.

That would have been the easy way. But everyone who knew John Heinz understood that he thrived on risk, on challenge and competition. He knew even as a young man how dull it would be "to pause, to make an end, to rust unburnished, not to shine in use."

Tennyson's words were written for John Heinz as well as Ulysses."To strive, to seek, to find and not to yield."

As we stared at the coffin of John Heinz, we looked foursquare at our own mortality. In any cosmic sense, it matters little that we live to be 50 or, indeed, 100 years. Our lives are measured not by how long we live, only by how we live. John Heinz' life must be measured not by hours but by honor—the honor he brought to his family, to his friends, to citizens of his State and indeed, to this country.

Just 2 days ago, in saying good-bye to my friend John Tower, I referred to the writings of Dag Hammarskjöld, another brilliant public servant who died in a plane crash three decades ago—another case of "sweet dreams and flying machines in pieces on the ground." Hammarskjöld wrote a poem which speaks to each of us:

Time's flight. Our flight in time—flight from time.
Flying on strong wings—with time,
Never lingering, never anticipating:
A rest in the movement—our victory over movement.
Lightly, lightly—
Soaring above the dread of the waters,
In the moment of dedication,
All strength gathered, all life at stake,
Plunging into the deep.
But no rest on the waves, constrained by currents.
Again over the waters, stillness over the swell,
Borne by the wind with the strength of our own wings.
Never land, never nesting place—
Until the final plunge
When the deep takes back its own.

Words can not cauterize the wounds suffered by Teresa, and her sons, John, Christopher, and Andre.

Hopefully, the passage of time might ease their pain.

But words just might help to remind us that John Heinz gave us only a sample of his best. And while we have been enriched by his gift to public service, we have also been impoverished by his absence in the race toward excellence that each of us has chosen to enter.

Thank you, Mr. President.

## THE DISPLAY OF FLOWERS IN MEMORY OF JOHN HEINZ

Mr. MITCHELL. I thank my colleague for his eloquent remarks and wish to call to the attention of Members of the Senate to the presence of the display of flowers on Senator Heinz' desk in memory of his presence.

Mr. President, in explanation to the Senate, under standing orders, flowers are not permitted in the U.S. Senate. However, under the precedents of the Senate, exception is permitted if approved by the majority leader. And earlier today, following consultation with the distinguished Republican leader and without any objection from any of our colleagues, I approved the display of flowers on Senator Heinz' desk as I believe it appropriate under the circumstances. This is not to be construed as a precedent for the presence of flowers under any circumstances other than those comparable to the present. But I believe all Senators will agree that under the circumstances, it is appropriate, and I wanted to call that to my colleagues' attention.

Mr. President, I thank my colleagues and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

## TRIBUTE TO SENATOR JOHN HEINZ

Mr. GARN. Mr. President, I say to the majority leader, it certainly is appropriate.

Mr. President, it is with great sadness that I rise to pay tribute to my dear friend and colleague John Heinz. John and I worked closely together on the Banking Committee and we enjoyed many good times together during the 15 years of his service in the Senate. His death is a great loss to us all.

I worked with John Heinz on the Banking Committee from the time he came to the Senate in 1977. We advanced through the committee ranks together. As one who has had some policy disagreements with the Senator from Pennsylvania, I can testify that he was a most formidable challenger. He wholeheartedly believed in his positions. He worked hard to master the most technical details; and he defended his position with dignity, determination, and eloquence. When the time came for compromise, which is always necessary in politics, I always found him reasonable, accessible, and committed to finding a workable, effective common ground.

Because I knew how tough he was as an adversary, my fondest memories of John Heinz as a legislator came during our long and close collaboration on international trade and banking issues. John always had a keen interest in and understanding of our complex international issues. He served as chairman and ranking member of the International Finance Subcommittee for 8 years, and was a major intellectual force behind the international agenda of the committee throughout his service. Based on our work together on export controls, export credit, and other trade issues, I think it can be safely said that U.S. exporters had a great friend in John Heinz.

John's greatest strengths were his unlimited capacity for hard work and his determination to produce good policy. I learned this through long hours sitting by his side in the Banking Committee as we searched together for ways to produce a stronger, more competitive U.S. financial system. I saw

his determination in seemingly endless conferences with the House of Representatives, when he always fought the good fight for a better, safer export control system. These issues were often sticky and complicated, but John tackled them with vigor, intelligence, and an appropriate sense of humor.

In 1989, when John assumed the ranking position on the Securities Subcommittee, he directed his considerable energies into making sense of the complexities of the capital markets.

Finally, I would be doing a great disservice to the memory of John Heinz if I limited my remarks to my great professional respect for him. Having spent so much time with him in and out of the Senate, I came to know John as a good friend. We had the opportunity to travel together on many occasions and our wives and families spent time together during John's visits to Utah to ski in the Senators' Ski Cup. He was clearly motivated by a great love and devotion to his family—a value that we shared. I know all my colleagues join me in extending our heartfelt prayers and sympathies to Teresa and the boys.

There will be many more legislative battles to fight in the months and years ahead, and I will have many opportunities to miss John Heinz as the years pass. I know that the fight will be harder, and the successes not as savory, because we will not have the intellect, the determination and the compassion of John Heinz to help us in the battle. He will be sorely missed by this Senate and by this Nation. I yield the floor.

## TRIBUTE TO JOHN HEINZ

Mr. DASCHLE. Mr. President, it was last Thursday that we learned that our friend and colleague, Senator John Heinz, had been suddenly and tragically taken from us.

The shock of that tragedy still haunts us. Our grief will last even longer.

Senator John Heinz seemed to have it all. Youth. Wealth. Heir to a business empire. A beautiful family. Limitless energy. And an unbounding dedication to serving the people of Pennsylvania and the United States.

While we are saddened by his loss, we can take great joy in his legacy of public service.

John Heinz prospered in politics the way his family had prospered in business. After serving as a staffer in the office of Senator Hugh Scott, he sought and won election to the House of Representatives in 1971. He remained in Congress the next 20 years, never losing an election, and being elected to the Senate in 1976.

During his two decades of congressional service, John Heinz fought tenaciously for the causes in which he believed.

The industrial workers of Pennsylvania will forever remember his struggles on their behalf against foreign imports and for better health care and pensions.

America's veterans will forever be grateful for his efforts on behalf of veteran's health care and education, and in behalf of the victims of agent orange.

I will forever remember him standing behind his desk arguing passionately and strongly on behalf of the Nation's elderly—endeavors to permit them to live their golden years in comfort and with dignity.

All of us should remember him for his efforts to improve the environment, rebuild the Nation's infrastructure and mass transportation system, and his struggles with an administration of his own political party to protect America's aged, from cuts in Medicare benefits, and America's youth, to keep ketchup and relish from being classified as vegetables.

The Senate has lost a good man and a good legislator, and we will miss him. But his work and the spirit in which he approached it stand as a monument to the deeds he performed and to the timeless and lofty values he held dear.

My heartfelt condolences go to his wife Teresa and their three children, to his entire family, and to his staff.

## JOHN HEINZ: IN MEMORIAM

Mr. HOLLINGS. Mr. President, in recent days flags across America have flown at half mast in honor of our esteemed colleague John Heinz. Of course, outside of his family—to whom our hearts go out at this time—the sudden, tragic loss of John Heinz is felt most profoundly here in this Chamber, among the colleagues who knew him the best and respected him the most. The Good Lord often works in unexplainable ways, and the death of this fine man and superb legislator in the prime of his life is particularly bewildering to us.

The fact is that John Heinz as a Senator was simply top notch. He was the kind of man whose intelligence and dynamism elevated the Senate as an institution and lent it character. Democrats no less than Republicans were proud to serve with him.

I will never forget his stalwart support and tenacity last year in helping to place the Social Security trust fund surpluses off budget for purposes of calculating the deficit—an important reform that he championed with bulldog determination on the floor of the Senate. Likewise, he was a dedicated ally in the fight to preserve the industrial backbone of the U.S. economy—steel and textiles in particular. John brought together labor and corporate America to insist on a more hardnosed defense of our national economic security. We will sorely miss his eloquent, commonsense voice in the upcoming trade debates on GATT and the Mexican Free-Trade Agreement.

Mr. President, as I said, John was one of our best and brightest. His grandfather's company was famous for 57 varieties but Henry John Heinz III, the grandson and Senator was truly one of a kind. He will live vividly in our memory. We will miss his many contributions to this body—contributions of quality and character.

## TRIBUTE TO SENATOR JOHN HEINZ

Mr. LAUTENBERG. Mr. President, I rise to express my deep sorrow at the death of our colleague, Senator John Heinz. The State of Pennsylvania and the Nation have lost a beloved public servant.

John Heinz was a champion of the people and he fought to better the lives of those who could not fight for themselves. He fought on the side of the working people—the people who manned the mills and mines of Pennsylvania. He fought for what he thought were fairer trade policies—in an effort to preserve for those people the chance to work hard, and to build a better life for themselves and their families. He was an advocate for older Americans. Senator Heinz cared about the elderly and he would not let anyone forget about their needs. He was dedicated to the preservation of our Social Security System.

I was fortunate to have the chance to work closely with John on issues of mutual interest to the States of the Delaware Valley. John was a staunch and indefatigable advocate for the Philadelphia Naval Shipyard and fought hard to support the development of the region's port and transportation system. Through the years, his record was marked by his dedication and determination to help Pennsylvania.

Mr. President, John Heinz had a wonderful career in the House and Senate. He was an intelligent man who was not afraid to stand alone in a debate. He was one of those who could influence the judgment of others. Even when we were in competition with each other, he remained a gentleman and I always respected him for that. He was an honorable opponent, and a powerful ally.

It is a tragedy that this promising young man's life was cut far too short. As I pay tribute to the Senator, I am also remembering the other lives lost during this horrible accident. My heartfelt sympathy goes out to them and their families.

John came from a distinguished and enterprising family. To his wife, Teresa, and his children, Henry John, Andre, and Christopher, I express my deepest sympathy. Although the years were far too short, I hope that we can all take comfort in knowing our world

was a better place because of the work and contributions of our dear colleague, John Heinz.

## TRIBUTE TO SENATOR JOHN HEINZ

Mr. HATCH. Mr. President, I want to thank my colleagues for showing this deference to me and to Senator Heinz.

I have to be at another meeting in a very short period of time. This is the only window I have. I would feel particularly badly if I did not get over here and say a few words about my friend John Heinz, especially since we were both raised in Pittsburgh, PA, in exactly the same area, at about the same time—I have to say under disparate circumstances, but nevertheless with a great deal of respect I think for each other through the years.

Mr. President, my friend John Heinz was a truly extraordinary individual: He was a rare man among men, a singular statesman among statesmen. He was born into a life of privilege, but he never forgot those who lived in poverty and those who had less than he, those who were not as fortunate as he. Heir to what could have been an existence of affluence and ease, he chose instead to champion the needs of the ordinary citizen, the average American whose values and work ethic have been the backbone of our Nation. He was a strong advocate for organized labor and for those working men and women in Pittsburgh, Philadelphia, and other areas that really needed his type of leadership and his type of work.

Intellectually gifted, John was the educational product of America's finest schools. Yet he eschewed academic elitism, focusing his love of learning on the untapped potential of America's children and the resources of our displaced workers. He encouraged the natural pairing of public and private initiative. He recognized the ligitimate place of government in extending a helping hand; and he defined the limits of government's grasp in a person's successful drive for economic independence.

John's institutional memory on trade and his assiduous protection of U.S. jobs benefited not only his home State of Pennsylvania, but the Nation as a whole.

And it is a poignant irony that John lost his life in his office as public servant, serving the elderly. John's fierce devotion to older Americans delineates him as a stellar Senator, even if all his other contributions were swept aside, and of course they will not be.

His athletic vigor was matched only by his tireless efforts on behalf of our country's seniors. Those whose lives are enhanced by protected Social Security and Medicare benefits have John Heinz to thank in large part.

Our colleague, Senator John Heinz, was a man of character, compassion, and competency. He was a family man, who drew strength and returned strength to his wife, Teresa, and his three sons. He devoted his life selflessly to service. He lost his life in that service. But, Mr. President, his legacy endures—endures in the enriched lives of the millions of Americans he touched.

Just an anecdote or two. John was a great athlete. I will never forget the first time he came to the Senators' Ski Cup in Utah he competed against almost everyone. He competed against one of America's greatest Olympic champions and almost beat him, as a Senator well into his forties. It was really impressive to all of us. And I have to tell you he was a great tennis player and he did a lot of other things that really showed his great athletic prowess.

Yesterday I was so impressed with his three sons as they spoke of their father at his funeral in the Heinz Memorial Chapel in Pittsburgh, PA. Those young men, they are chips off the old block. They are young men that everybody in the Heinz family ought to feel very proud of, and Teresa and John I know did and do.

John Heinz' family has meant so much to the city of Pittsburgh in particular and to the State of Pennsylvania as well. The Heinz Memorial Chapel—almost every colleague who was there marveled at what a beautiful place it was—was donated by the Heinz family. This was just one of many, many thousands of things that family has done for the city of Pittsburgh, the State of Pennsylvania, and, yes, this country.

John had a love of people. He always did have that great smile on his face and that winning way in trying to help people from all walks of life, including those who were successful but needed help as well. But he really, really deep down felt very strongly toward those who were the most unfortunate in our society. And this great athlete, this great Senator, this great human being, this great father and husband, this great friend, I think lived up to really a lifetime of achievement, a lifetime of promise, and I think a lifetime of effort and work. I, for one, would have felt bad had I not gotten over here and said just a few words about my friend John Heinz.

## REVEREND DANFORTH'S HOMILY DELIVERED AT JOHN HEINZ' FUNERAL

Mr. BOND. Mr. President, several people today have mentioned the homily delivered by the senior Senator from Missouri at the services for Senator Heinz yesterday. I have now been able to obtain a copy of it. Several of my colleagues have expressed a desire to see this, and I ask unanimous consent that a copy of the homily delivered by Reverend DANFORTH be printed in the RECORD.

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

HOMILY DELIVERED BY REV. JOHN C. DANFORTH AT THE FUNERAL OF U.S. SENATOR JOHN HEINZ, HEINZ MEMORIAL CHAPEL, UNIVERSITY OF PITTSBURGH CAMPUS, PITTSBURGH, PA, APRIL 10, 1991

Teresa, John, Andre, Chris: Throughout the country there is a tremendous outpouring of love for your Jack, your Dad, and of support for you.

It comes from the President of the United States, from John's colleagues in the Senate, and from a security guard at Lambert Airport in St. Louis who said last Friday, "We have lost a great leader."

Famous people and ordinary people in countless numbers would do anything in their power to lift you up. You know that already, but it deserves saying.

Over the past few days, you have made it very clear that you want this to be a personal service. It has been that. The touching participation of John's children and of his closest friends remind us that he was much more than a distinguished public figure. He was a husband, a father and a friend. For those of us who knew him well, there was no question in our minds that the private things came first. Much of his time was in his job. His heart was in his family.

The tributes we have heard were very personal, and we are grateful for them. But this is more than a memorial service. It is a worship service. And at every worship service, God is at the center. So I would like to think with you for just a few minutes about John Heinz and about God, and about how John's life and death reflect the Christian faith.

Christianity is about self-giving. It is about Christ, who is equal to the Father, but who empties himself, takes the form of a servant and gives himself unto death. St. Paul tells us that this self-giving Christ should be the model of life for you and for me.

This was the model for John Heinz. John gave himself unto death. He had everything. But a lot of people who have everything want to keep everything. They clutch it to themselves. They never want to let go. They are timid victims of their own good fortune.

The real issue in life is not how much blessings we have, but what we do with our blessings. That is the parable of the talents. Some people have many blessings and hoard them. Some have few and give everything away. John Heinz was a giver.

Twenty years ago, John left a world of security and entered a world of risk. The safe course was open to him. He could have stayed in business, working for the family company. Through caution, failure was impossible. In the vernacular, he had it made. Then he ran for office.

Politics is not a secure career. In politics, victory is possible, and so is defeat. Glory is possible, and so is embarrassment. And when embarrassment comes, it is as though all the world is watching you.

John did not need to be in politics. He did not need the town meetings and fundraisers, the days on the road, the nights in motels, the cramped hours in little airplanes. It was his gift.

It was his gift to the people he most wanted to serve—people so different from himself—old people, weak people, people whose lifelong jobs had disappeared. Those were the

people he worked for with a persistence unmatched by anyone else I have ever known. He was doing it for them, and they knew it.

John Heinz made a gift to the people he wanted to serve. That gift turned out to be his life.

From time to time, politicians die in office. John did not merely die in office, he died while performing the duties of his office. That is a very big difference. In the literal sense, he gave his life to public service.

St. Paul tells us that we should be like Christ. Like Christ, we should empty ourselves and become servants. Like Christ, we should be obedient unto death.

But that is not all St. Paul says. Death is not the end of the story. There is a "therefore" clause. Christ became a servant; Christ suffered death; therefore, God has exalted Christ.

Teresa, your Jack died in Easter week. Think about that. Think about Easter. Christ gave his life and conquered death. He offered himself; therefore, he is exalted.

He is risen! That is the ancient acclamation of Easter. The Lord is risen, indeed.

John Heinz did what we have been told to do. He took the form of a servant. He was obedient unto death. Those are the orders. Now for the promise. Death is conquered. Christ is risen. John Heinz is with his Lord.

## SENATOR JOHN HEINZ

Mrs. KASSEBAUM. Mr. President, I join with my colleagues and the people of Pennsylvania in expressing my deepest sympathy to the family of John Heinz. Many thoughtful words have already been spoken about John's intellectual tenacity, his commitment to public service, and his energies devoted to family and public policy. I know this to be true, as I served with him on the Banking Committee and the Special Committee on Aging.

It is important, I think, to remember as well that he challenged each and every one of us, just as he challenged himself, with a twinkle in his eye and a great zest for life and its opportunities.

Much has been said already about Senator Heinz' impressive record of achievement in the Senate. He played a key role in restoring the Social Security System to a sound footing, in pressing for health care reforms that have improved life for millions of elderly citizens and in hammering out far-reaching trade policies that he believed were vital to the health of American industry.

Mr. President, there have been comments in the press that for all his intelligence and ability, Senator Heinz never learned how to play the game here in Washington. I think that John would take those comments as a tribute because he never believed that Government was a game. He understood that Government is a very serious business that affects the daily life of every American and that often is literally a matter of life and death. As we all know, John Heinz could have done almost anything that he wished in life. That he chose to serve his country and his State with dedication, distinction, and integrity is his own best tribute. He might have done many things well, but he could not have served better or accomplished more than he did in the years he spent in this Chamber. Along with offering my condolences, I offer my gratitude as well.

Mr. President, I yield the floor.

## TRIBUTE TO JOHN HEINZ

Mr. BIDEN. Mr. President, yesterday many of us gathered in a chapel in Pittsburgh to say goodbye to a public servant, and a friend, who was taken from us all too soon. The senior Senator from Missouri [Mr. DANFORTH] touched us all with his heartfelt homily, and here on the Senate floor we have listened as a number of our colleagues have shared some very personal thoughts on the loss of our respected colleague and valued friend, Senator John Heinz.

The past few days have been days of unspeakable sorrow, and I think that each one of us has spent a good portion of each day reflecting, not only upon the loss that we in this body have suffered, but upon the fragility of life itself.

The simple eloquence and pained sincerity of my colleagues as they shared their feelings have been part of a moving tribute, not only to John Heinz, but to the deep compassion we feel for all those who have been touched by this tragedy.

And yet, at the same time, it is hard to believe that this is happening. It is hard to believe that John Heinz will not stride through that door in the next moment, that he will not meet me at the subway to discuss recent developments with the Philadelphia Navy Yard or other matters important to the people of the Delaware Valley.

It is hard to believe that John Heinz will not buttonhold me here on the Senate floor to discuss his latest legislation to protect America's senior citizens, or to encourage economic incentives to protect our environment well into the 21st century. And I cannot believe that at the end of a long Senate session, John will not be at the place where we park our cars and, even if we have had a sharp disagreement on the Senate floor, inquire about the well-being of my wife and children. John Heinz has been an integral part of the Senate, and of many of our lives, for a very long time, and it is almost hard to believe that today we are here paying tribute to his memory.

Millions of Americans' lives are better today because of John Heinz' work. My mom and dad are better off because of John's work on behalf of senior citizens. Some of my old friends in Scranton, PA, have jobs today because of John's efforts on behalf of Pennsylvania's industries. All of us will live in a healthier environment because of John's farsightedness on environmental matters.

And yet, that is not the real tragedy of John Heinz' passing. The real tragedy is the loss of his great potential, the good work that John Heinz could have done for this Nation for another 20 years. We will feel that loss long after today's grief has, if not subsided, at least turned to acceptance.

I can all too fully understand the shattering grief that John's family, as well as the families of all the others involved, is going through. My heart goes out to Teresa Heinz and their three boys, and hope that they can find solace in the fact that John was not only a good husband and father, but a committed public official who made the lives of a lot of people a great deal better.

## THE DEATH OF SENATOR JOHN HEINZ

Mr. GLENN. Mr. President, I rise today to honor the memory of our late colleague, John Heinz, distinguished Senator from Pennsylvania, who served in this Chamber until his life and career were tragically cut short last week.

It was my privilege to work with John Heinz on many issues. I will not pretend that we always agreed on the best courses of action, but I came to respect him as a steadfast and responsive advocate for the people who make our steel and mine our coal. His problem-solving approach to economic concerns was innovative and refreshing, and helped us rise above partisan differences in confronting the problems of our States.

Much of John Heinz' outstanding work was done on behalf of Americans in their senior years. I had the privilege of serving with him on the Special Committee on Aging and was always impressed with his work because he so often asked the right questions. "Why must Americans retire at age 65?" he asked, and the answer led to legislation outlawing mandatory retirement. He saw nursing home residents tied to their chairs and asked "Whose needs are being served by this indignity?" The answer to that was legislation that prevented the elderly from being treated as second-class citizens. And most significantly, he continually asked how we could best protect the safety and integrity of Social Security, and is largely responsible for restoring its health and the confidence of the public in its security in the years to come.

Senator Heinz also served with great distinction on the Senate Governmental Affairs Committee of which I am chairman.

The untimely death of this young and vigorous Senator has shocked and saddened all of us. But as we grieve for our friend and colleague, let us also be thankful for what he accomplished, for

what he taught us, and for what he was—a strong and conscientious Senator, and a gifted and compassionate human being.

## TRIBUTE TO SENATOR JOHN HEINZ

Mr. RIEGLE. Mr. President, the tragic passing of our friend and colleague Senator Heinz is mourned not only by those of us in this body who had the privilege of working with him and knowing him personally, but by countless others, both at home and abroad, whose cause he championed during his years of public service. One of the many causes he embraced was that of the Baltic people who are struggling to reestablish their independence.

It has come to my attention that the Latvian Government has expressed its deep sorrow at the passing of Senator Heinz, and I ask unanimous consent that the text of a message from the Latvian President, Anatolijs Gorbunovs be printed in full at this point in the RECORD.

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

The Supreme Council of the Republic of Latvia extends its deepest sympathies to the family, friends and colleagues of Senator John Heinz. Senator Heinz' death is a tragic loss for the people of Pennsylvania and for all Americans whom he served so ably in the United States. His loss is also felt in Latvia, not simply because we viewed him as a friend, but because the principles he stood for—the rights of children, the elderly and working people—are principles that are highly valued by the Government and people of Latvia.

ANATOLIJS GORBUNOVS,
*President, Supreme Council,*
*Republic of Latvia.*

RIGA, LATVIA, *April 8, 1991.*

## TRIBUTE TO SENATOR JOHN HEINZ

Mr. NUNN. Mr. President, the tragic death of our colleague, John Heinz, last week saddened the Nation, and stunned the Senate. Our hearts go out to his wife Teresa, and their three sons, to whom John was so devoted. Theirs was one of the finest families to grace this body. We all watched his boys grow up during John's years in Congress, and knew that John's and Teresa's caring for other people and the world around them did not come at the expense of their own children during those growing-up years. He shared Teresa's intense interest in the environment, and was very proud of her work with the Environmental Defense Fund, Peace Links, and for Soviet Jewry.

John and I were contemporaries in the most literal sense. We were the same age. He was elected to Congress in 1971, I came to the Senate a year later. We began our congressional careers at a time of great disillusionment, when many Americans—and many in politics and government—had lost their faith in the ability of government to respond to the people's needs and to act effectively on their behalf. John Heinz did not accept that. Faced with virtually limitless possibilities of what he might do with his life—among other things, he played virtually professional level tennis even after two decades on the Hill—he chose public service out of a conviction that the privilege to which he was born offered both a responsibility and an opportunity to make a difference.

He brought a fine intelligence and great charm to the causes he championed, and an admirable tenacity as well. He was undaunted by powerful opposition when he thought something needed to be done. It is fitting that in his last big battle in the Senate, he was motivated by his concern for the children of military personnel, and that the plane in which he died was taking him to a hearing on scams aimed at the elderly, but his interests also included arms control, international affairs, and environmental concerns.

It is always painful to lose someone in the prime of life, with his powers and potential at their peak, but it is especially painful to lose someone who chose to use those powers and potential to serve his State and Nation with such unselfish vision and caring.

I did not always agree with John Heinz, but I always respected his views and his integrity. John rose above partisan concerns on issues where he felt our Nation's vital interests, and the needs of its people, were at stake. He loved his beautiful State and he loved his country, and both were made better for his having been here.

## SENATOR JOHN TOWER

Mr. NUNN. Mr. President, I was deeply saddened by the tragic news last week that Senator John Tower and his daughter, Marian, had been killed in an airplane crash. America has lost a patriot. Senator Tower's love of country and belief in a strong national defense characterized his many years of distinguished public service.

John Tower was a committed Senator who provided important leadership to America's defense policy. He fought for freedom, and worked diligently to make the world more secure. He played a major role in the long, dedicated effort to keep America strong during a critical period in our history.

My sympathies go out to his family in this tragic loss.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DIXON. I thank the Chair.

(The remarks of Mr. DIXON pertaining to the introduction of S. 796 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. GORE. Mr. President, I wish to thank the distinguished President pro tempore for his courtesy in allowing me to proceed with my remark now, and I shall look forward to his shortly.

## GLOBAL WARMING

Mr. GORE. Mr. President, on Tuesday I rose to speak about new scientific evidence showing an increased threat to the stratospheric ozone layer. A third of the Senate joined in signing a letter to the President and to the head of the EPA. The distinguished occupant of the Chair was, I think, the second or third person to say yes, I would like to sign that letter and cosponsored a resolution which was introduced on Tuesday.

Yesterday I had the privilege of hosting a luncheon where Frank Press, the head of the National Academy of Sciences, previewed the report released yesterday from the National Academy of Sciences on global warming. Later today I will be pleased to join with Senator ROTH in the introduction of the Earth Day 1991 resolution for this year with 51 cosponsors, but I will wait until after his remarks to address that subject.

On this occasion I would like to speak a little bit more about the NAS study I just mentioned.

This study rings the alarm bells again and tells us of the urgent need to take action now to combat global warming. The academy's report, the product of an exhaustive study by leading scientists, economists and policymakers, makes clear that there are steps we can and must take right now to begin countering the threat of global warming.

Spokesmen for the administration put on a brave face yesterday and pretended that these recommendations are the kinds of things the administration has in mind. Let us let them demonstrate that with deeds and not just words.

What the National Academy is recommending does not in my opinion go far enough, but it goes very far and it is strikingly different from any recommendations we have seen from the Bush administration.

Confirming the assessments previously made by scientists from around the world, the academy reported that we could experience temperature increases greater than any in human history. Should we do nothing and allow the temperature increases to occur, we will need massive responses because of the stresses on this planet and its inhabitants, and I am quoting from the academy's own language.

What can be done about the situation? Are we powerless? Unlike what

the administration would have us believe, the unequivocal message of the academy report is we can and must attach this problem now. We have tools in hand to make a significant difference. In fact, the academy tells us with existing technology we can offset prospective growth in emissions by 40 percent. And at what cost? The administration, on that one, says we could lose up to 3 percent of GNP, billions of dollars; but the academy, like the experts at the Office of Technology Assessment, now makes it clear our economy will lose if we do not act.

So let us shatter the myths. The administration attempts to embrace this report. For one, they shouted, "Me, too," but the White House effect thus far has been merely to cloud over the scientific finding. They will have a harder time with this one. In fact, the national energy strategy falls far short of what we need to satisfy our energy needs while protecting the environment and ensuring our security.

While the President would have us believe his plan would, for example, support State efficiency and conservation initiatives, the budget he submitted practically zeroes out funding for those very same initiatives.

While the President says his proposal is protective of our environment, in fact it jeopardizes one of the last pristine areas in the country, the Arctic National Wildlife Reserve.

The President simply has not made global environment a priority. The academy's report shows the President is listening to political cronies and not to experts on energy and the environment.

While the experts tell us of the great potential for energy savings from new efficiency technologies, the President not only has failed to call for efficiency standards but in fact has prohibited the Department of Energy from requiring more stringent standards and rejected the advice of his own Secretary of Energy to recommend such proposals.

I congratulate former Senator Dan Evans and his colleagues responsible for the NAS study.

I ask unanimous consent to include with my remarks some articles elucidating some of details of the academy report.

I urge my colleagues to begin taking the actions now recommended by the National Academy of Sciences.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 11, 1991]

STRICT ENERGY-SAVING URGED TO COMBAT GLOBAL WARMING

(By Michael Weisskopf)

The National Academy of Sciences yesterday recommended a prompt and aggressive regimen of energy conservation measures to reduce the Earth's warming trend, projecting negligible costs for what it called a "planetary insurance policy."

In the most authoritative U.S. assessment to date of policy options to combat the "greenhouse effect," the academy said that by more fully exploiting current technologies over the next 30 years, the United States could reduce by as much as 40 percent its emissions of industrial gases blamed for trapping solar heat and raising the Earth's temperature.

The academy blueprint included recommendations for: tax incentives or regulation to achieve a 30 percent increase in auto fuel efficiency; use of new, compact fluorescent bulbs to save 50 percent of the power used in lighting; more efficient motors to cut industrial energy demand by 30 percent; tougher standards for refrigerators and dishwashers to cut up to 30 percent of their energy use, and restructuring energy prices to more accurately reflect environmental costs.

While stoppng short of setting specific limits on greenhouse gas emissions, as most European nations have done, the academy recommendations are more far-reaching than the Bush administration ventured in its proposed National Energy Strategy, and they are priced at a tiny fraction of White House cost estimates. The report is expected to provide ammunition for congressional critics of the administration's cautious approach to global warming.

"Despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now," concluded a panel of the academy's Committee on Science, Engineering and Public Policy.

Presidential science adviser D. Allan Bromley said the panel's recommendations were "reasonable goals," but he reiterated the administration's opposition to energy taxes or "command and control" proposals, such as federally mandated efficiency standards for commercial buildings.

"The goals we have in mind are going to be achieved more effectively by people who believe they are doing it for their own benefit or the nation's benefit, rather than being forced by some centralized control mechanism," said Bromley.

Despite campaign promises to combat the greenhouse effect with the "White House effect," President Bush has stressed the scientific uncertainties and the need for more research. His advisers adhere to the gloomiest economic forecasts of a 3 percent decline in national income to achieve European goals of a 20 percent reduction in carbon dioxide—the principal warming gas.

With many of its members viewing global warming as the greatest environmental threat and calling for radical changes in the nation's energy structure, Congress asked for an assessment from the federal government's top advisory body on scientific and technical matters. The NAS named a 46-member panel consisting of scientists, economists and public-policy analysts.

In its report, the panel agreed with the administration that none of the major computer-generated climate models provides a "reliable forecast" of global warming. But the panel pointed to a "reasonable chance" that by the middle of the next century, when greenhouse gases are expected to double in concentration over pre-industrial times, global temperatures will increase 2 to 9 degrees Fahrenheit.

That estimate is within range of the general scientific consensus that temperatures will increase 4 to 8 degrees, forcing sea levels to rise and some plants to wither.

For Americans, who benefit from different climate zones and a dynamic farming system, the temperature rises are not likely to cause adaptation problems worse than "the most severe conditions in the past, such as the Dust Bowl," said the panel. But the threat of an unforeseen calamity is "plausible," said the authors, warranting policies to cut global warming gases as "insurance protection against the great uncertainties and the possibility of dramatic surprises."

The panel noted that measures to reduce the gases can be accomplished at "modest cost. In other words, insurance is cheap."

According to its plan, 3.2 billion tons of greenhouse gases can be cut from the present U.S. output of 8 billion tons per year. None of the measures to achieve such reductions would cost more than $9 per ton, and some would actually save money by removing the need, for example, for new power plants.

In February, the administration had cited controversial forecasts that energy taxes as high as $250 a ton would be needed to significantly cut global warming gases when it unveiled an "action agenda" that essentially repackaged policies devised for other purposes, such as the phase-out of chlorofluorocarbons (CFCs) to restore the protective ozone layer. CFCs also are a powerful global-warming gas.

Apparently referring to the "action agenda," the panel called for "not only several actions that satisfy multiple goals but also several whose costs are justified mainly by countering or adapting to greenhouse warming."

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[From the New York Times, Apr. 11, 1991]

URGENT STEPS URGED ON WARMING THREAT

(By William K. Stevens)

WASHINGTON, April 10.—In a report that was welcomed by the White House and environmentalists, the National Academy of Sciences said today that the United States should act promptly to reduce the threat of global warning.

An academy panel recommended a variety of steps, including raising overall mileage standards for new automobiles to 32.5 miles per gallon from 27.5; increasing Federal support for mass transit and reforestation, and developing a new generation of safe and efficient nuclear power plants. The feared warming is expected as a result of the steady accumulation of waste industrial gases like carbon dioxide.

The steps necessary to address global warming have been a matter of fierce political contention between the Bush Administration and environmental groups. Even within the Administration, the Environmental Protection Agency has favored quicker action against global warming, which the President's chief of staff, John H. Sununu, has opposed.

The academy's report seems to be intended as an adroit political compromise between the various factions, and was praised on all sides.

Rudiments of National Policy

Although its recommendations are somewhat general, as would be expected in a consensus document, they point the way to a broad-based national program for reducing carbon dioxide emissions. They lay down the rudiments of a national energy policy, which the Administration has long resisted.

William K. Reilly, the Administrator of the Environmental Protection Agency, called the report "a step forward," although he said that he did not necessarily agree with everything in it and that his agency had not yet analyzed it in detail.

A senior Administration official, who spoke on the condition that he not be identified, said he was pleased that the report had not recommended "draconian changes." He also praised the report's cautious stand on the uncertainties of global warming, its cost-benefit anaylsis, its refusal to propose target dates and quotas for reductions of carbon dioxide emissions, and the importance it places on eliminating another powerful trapper of heat, chlorofluorocarbons.

Dr. D. Allan Bromley, the White House science adviser, said, "I am delighted with the report, as are all my colleagues in the White House. He said actions already taken by the Bush Administration would result in emission reductions on the order of those proposed by the academy.

The academy report "should put an end to the debate over whether it pays to act to slow global warming," said Dr. Michael Oppenheimer, an atmospheric scientist at the Environmental Defense Fund. "It makes a prima facie case for acting now. We can actually reduce emissions and save money at the same time.

"A Nimble Policy"

Even though the report does not set targets for reducing carbon dioxide, as environmental groups have long advocated, it was described as "a nimble policy" by a member of the panel, Dr. Jessica Tuchman Mathews, vice president of the World Resources Institute.

The panel said the prospect of global warming "poses a potential threat sufficient to merit prompt responses," even though it acknowledged that there was great uncertainty aboout its extent, timing and impact.

The academy panel said its proposed measures were all of "low cost," meaning they are cheap ways of reducing carbon dioxide and other waste gases. Low cost was defined as $10 per metric ton of heat-trapping gases eliminated per year. The panel did not calculate the total value of the initial investment.

The panel said the United States "should resume full participation" in international programs to slow populations growth. Population, said Daniel J. Evans, the chairman of the panel, "is the biggest single driver of atmospheric pollution." Mr. Evans is a former Republican Senator and Governor from Washington.

The panel encouraged development and testing of a new generation of safe, efficient nuclear power plants to replace those that burn coal.

Its reports did not go as far as many environmentalists have advocated in reducing carbon dioxide emissions, concluding that options requiring great expenses are not justified at this time.

The Administration says that steps already taken will allow overall greenhouse-gas emissions in the U.S. to stabilize in the next decade. But they argue that this is nevertheless consistent with the possible reduction of 10 to 40 percent that the academy said can be achieved if its measures are followed.

This is because the academy figure represents the reduction that would take place if all the measures were in effect now. By that measure, said Michael Deland, the chairman of the White House Council on Environmental Quality, the actions already taken by the Administration would amount to a 20 to 25 percent reduction.

The effects of any such measures do not suddenly materilize in one year, but rather come into play over a period of years, in which economic and population growth cause emissions to grow. This is not accounted for in the academy analysis, Mr. Deland said. Mr. Coppock, the director of the academy panel's staff, said this was true.

Environmentalists say the steps already taken by the Administration are not enough to achieve an absolute reduction in the "greenhouse" emissions in the United States but rather would merely allow them to stabilize in the short term while resuming their growth in the long term.

They also assert that some of the important steps recommended by the academy have been specifically rejected by the Administration. Among them are the increase in gasoline mileage standards for new cars to 32.5 miles per gallon; stronger Federal support for mass transit; and the eventual adoption of a system in which social and environmental costs would be included in setting the price of energy.

"No matter which way you slice it," Dr. Oppenheimer said, "what the academy is proposing is stronger than what the Administration had done." He said the academy's recommendations "go a long way toward meeting the goal of keeping the climate from going haywire."

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mr. GORTON. Mr. President, I thank the distinguished President pro tempore for deferring to me.

Mr. President, I have three separate short tributes. I ask unanimous consent they be treated separately in the CONGRESSIONAL RECORD.

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

Mr. GORTON. With the indulgence of the President pro tempore, it may take as much as 7 minutes. I ask unanimous consent to have that time.

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

## SENATOR JOHN HEINZ

Mr. GORTON. Mr. President, I first met John Heinz when he visited Seattle in October 1980 as chairman of the National Republican Senatorial Committee. He was one of a small handful of Members of this body who campaigned on my behalf on what then seemed an uphill struggle.

My vivid memory, and that of my wife Sally, is of how much larger than life John Heinz appeared to us on that first visit. He believed in what we were doing; his enthusiasm was contagious. That drive and enthusiasm set fire to an awed campaign staff and to this candidate.

That larger than life enthusiasm was repeated, on my behalf, when I campaigned again in 1988, and was a part of everything John Heinz did as a member of this body. His enthusiasm was both boyish and purposefully directed. He was a powerful ally and, occasionally, an aggravatingly successful opponent. His dedication to the people of Pennsylvania was legendary and his energy on their behalf inexhaustible.

John Heinz was blessed with every advantage of family and position and education. It is said that from him to whom much is given much shall be required. John Heinz, through his own wonderful and loving wife and family, through his service to the millions of Pennsylvanians whom he represented so well and in his friendship and support for his colleagues here in the Senate of the United States, paid back to that family, to those constituents and to these friends far more than he ever received. We will all miss him; we were all made larger by his presence and will be smaller by his absence.

## FORMER SENATOR JOHN TOWER

Mr. GORTON. Mr. President, John Tower was, I confess, a difficult man to know and to love. He was frequently curt, and often unyielding. He did not suffer fools gladly in a world in which he found many who fit that description.

But John Tower was a great, patriotic and dedicated American. He served his State faithfully and well but his reach was greater even than the breadth of the State of Texas. John Tower was truly a national Senator. He believed passionately in this country and its essential goodness. He was convinced that it was a force for good in this world, and that to accomplish that good America was required to be strong. John Tower worked through his entire public career to strengthen the America he loved, and he worked successfuly toward that goal.

Few Americans have done more, through lean years and through fat years, than John Tower did to bring about the truimph of this Nation in the cold war over a persistent and dedicated opponent, or to assure the primacy of American ideas of liberty and freedom around the world. He contributed directly and vitally to the victory of American arms in the Arabian Peninsula.

While John Tower suffered defeat and bitterness during his last years his true monument is a strong, confident, and triumphant America.

## LEE ATWATER

Mr. GORTON. Mr. President, I did not know Lee Atwater, chairman of the Republican National Committee, very well. For much of his too brief career he worked primarily in a region far from my own home and often for candidates in my own party with whom I did not always agree.

But Lee Atwater, a unique American, was both a product and a cause of one of the seminal changes in American political history. When only a few others could divine the future, Lee Atwater saw that the continued basis for success in American politics was to reflect and articulate the views of the vast

majority of patriotic Americans who have worked through their entire productive careers to build this country, and who have an immense pride in its accomplishments.

Lee Atwater reflected and stated the values of that American majority as a Republican at just the time that those values were being abandoned by the leaders of their traditional political home.

For Lee Atwater, the promised land was a Republican majority. Just as he was able to see that promised land beyond the Jordan, Lee Atwater was taken from us at the height of his powers and his influence. He lived and grew in wisdom and spiritual strength through an excruciatingly painful last year. We Republicans and we Americans owe him our deepest thanks and an ever vivid place in our memories.

Ms. MIKULSKI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Ms. MIKULSKI. Thank you, Mr. President.

I note the chairman of the Appropriations Committee is standing as well, and has very kindly yielded. I appreciate the courtesy.

(The remarks of Ms. MIKULSKI pertaining to the introduction of S. 797 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

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## THE LATE SENATOR JOHN HEINZ

Mr. BYRD. Mr. President—

Man that is born of a woman is of few days, and full of trouble.

He cometh forth like a flower, and is cut down: he fleeth also as a shadow, and continueth not.

Like all of our colleagues, I was stunned and saddened in learning of the tragic death of Senator John Heinz. I was stunned. One is never prepared for any death, even though one may anticipate that death is coming to a relative or a friend, and that the days are nearing the end.

But for a man so young, so fully in his prime, and so vibrant and energetic, it was a shock. Senator Heinz was a man of great promise. He was young; he was strong; he was handsome; he was wealthy. He represented a great State in the U.S. Senate and was a man of such accomplishment.

As a Senator from a State tangent to Pennsylvania, both geographically and in so many other important ways, I was privileged often to work with Senator Heinz, particularly on issues related to coal, energy, and the environment. I was again and again impressed by his dedication, his ability, his alertness, comprehension, and his cooperative spirit. As the heir to one of the most famous names in American business and one of the country's largest fortunes, John Heinz could have devoted, or not devoted, his life to anything that he wanted. Pennsylvania and America are the more fortunate that he chose to spend himself and to give himself, literally, in public service, in a career in which he committed his considerable abilities and talents toward improving the lives of his fellow citizens. John Heinz was a man of principle, a man who believed that to whom much has been given, much will be required. Indeed, one might say that no one expected—even demanded—more of himself than did John Heinz.

"How far away is the temple of fame?"
Said a youth at the dawn of the day.
He toiled and strove for a deathless name;
The hours went by and the evening came,
Leaving him old and feeble and lame,
To plod on his cheerless way.

"How far away is the temple of good?"
Said another youth at the dawn of the day,
He toiled in the spirit of brotherhood,
To help and succor as best he could
The poor and unfortunate multitude,
In its hard and cheerless way.

He was careless alike of praise or blame,
But after his work was done,
An angel of glory from heaven came
To write on high his immortal name,
And to proclaim the truth that the temple of fame
And the temple of good are one.

For this is the lesson that history
Has taught since the world began;
That those whose memories never die,
But shine like stars in the human sky,
And brighter glow as the years go by,
Are the men who live for man.

I think of John Heinz in that vein and in that spirit. The Heinz family and the people of Pennsylvania have suffered an irreplaceable loss. America and the U.S. Senate have suffered a great loss. To Senator Heinz' wife, Teresa, and their three fine sons, and to all who loved him and sent him to Capitol Hill to serve our country, Erma and I offer our most sincere condolences. Know that we share your grief in the face of such an inexplicable loss and that we shall keep with you the memory of John Heinz in our own hearts.

And to John, the words of the Chambered Nautilus, flowing from the pen of Oliver Wendell Holmes, are most appropriate.

Build thee more stately mansions, O my soul,
As the swift seasons roll!
Leave thy low-vaulted past!
Let each new temple, nobler than the last,
Shut thee from Heaven with a dome more vast,
Till thou at length art free,
Leaving thine outgrown shell by life's unresting sea!

Mr. ROTH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

## THE DEATHS OF SENATORS HEINZ AND TOWER

Mr. ROTH. Mr. President, as I have reflected these past few days over the deaths of two good friends and colleagues, I have been reminded of Hector's plea in "The Iliad": "Let me not die ingloriously and without struggle, but let me first do some great things that shall be told among men thereafter."

Nothing could more appropriately describe the lives and works of Senators John Heinz and John Tower. Their very efforts were dedicated to confronting the struggles of leading a great nation, as well as the challenges of confronting the daily criticisms inherent with leadership. Neither man cowered from the responsibilities. Rather, they left lasting legacies for a land that will long be grateful for their service.

Senator Heinz was a public servant in the most noble sense of the word—a well-to-do young man who refused wealth's invitation to relax and enjoy life's luxuries. Instead, he became anxiously engaged in service, in good causes for his constituents and fellow citizens. We served with each other on several committees, and I was always impressed by his dedication to ethics, justice, and opportunity for all—especially improving the economic condition of Americans.

His constituents were foremost in his mind, especially those who needed him most. Even the tragic journey that took his life was undertaken to investigate certain improper activities that are being perpetuated on the senior citizens of his State.

Like Senator Heinz, John Tower was another dedicated leader, a man who knew tremendous challenge but refused to surrender. Both sides of the aisle agree that few men in our history have left such a lasting impression on our Nation's foreign and defense policy. He was an architect of the Reagan administration's goal to restore America's defense posture. His philosophy was peace through strength, and as we watched the Eastern totalities crumble at the end of the decade, no one could call his philosophy foolish. As we watched our brave service men and women realize a speedy victory in the Persian Gulf, no one could condemn his vision.

Like Senator Heinz, John Tower was also dedicated to truth. Both were dedicated to the acquisition of knowledge that improved their capacity to serve. They studied long and hard before speaking out on issues, and when they spoke, they spoke with authority.

Both men served their country in capacities that challenged a comfortable existence. Both men worked for America's bright and productive destiny. Both men served, even when service was difficult, and those about them were critical. Their motivation was not personal gain but collective progress.

And now their lives are adorned not with words of praise but with the light of deeds.

(The remarks of Mr. ROTH pertaining to the introduction of Senate Joint Resolution 116 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended until 1:30 p.m. under the same conditions as heretofore prevailed.

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

## EXPRESSING THE SENSE OF THE SENATE WITH REGARD TO THE DEATH OF JOHN GOODWIN TOWER, A FORMER SENATOR FROM THE STATE OF TEXAS—SENATE RESOLUTION 97

Mr. GRAMM. Mr. President, on behalf of myself, Mr. BENTSEN, Mr. DODD, Mr. DOLE, and Mr. BOND, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 97) to express the sense of the Senate with regard to the death of John Goodwin Tower, a former Senator from the State of Texas.

Whereas the Honorable John Goodwin Tower served the people of Texas and America in the United States Senate with pride and distinction from 1961 to 1985;

Whereas John Tower's leadership in matters related to military and foreign affairs helped prepare the foundations for America's recent successes in the Persian Gulf war;

Whereas the death of John Tower's daughter, Marian, is a monumental loss to all who knew and loved her; and

Whereas John Tower's tragic passing has deprived Texas and America of an extraordinary person and valued leader: Now, therefore, be it

*Resolved*, That the Senate expresses the profound regret of the membership on the death of its former colleague, John Goodwin Tower of Texas, and of his daughter, Marian;

That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the Senator; and

That when the Senate recess today, it recess as a further mark of respect to the memory of former Senator John Tower.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I am happy to join my colleague from Texas in offering this resolution. Mr. President, John Tower was a great and good man. I often sought his advice and I always took that advice when it was given.

I think as we focus on the success of Operation Desert Storm, we should reflect on the contribution that John Tower made in rebuilding the Nation's defenses in the 1980's.

John Tower served with distinction and spoke out firmly in those times when few voices were raised in favor of a strong America, a strong defense. In 1980, when America was awakened to the threadbare condition of our national security, John Tower became the leader in working to rebuild our defense.

Our recent success in the Persian Gulf stands as a testament to his strong leadership in providing the weapons and recruiting the men and women who fought and won for America.

Mr. President, John Tower did many great things in his service on behalf of the people of Texas. But the thing which has impressed me the most is the fact that he has left us a living legacy in all the people whom he brought into the service of America since he took office in 1961.

I think John Tower should be remembered for many things: a great and dedicated Senator, a man who brought honor to this institution, a man who was our leader in rebuilding America's defenses. But he also was a man who brought into Government a flood of new talent, new people that have gone on to become leaders of Federal agencies and Congressmen, people who are providing leadership today and who will be leaders in the future.

This resolution seeks in a small way to acknowledge John Tower's accomplishments and to mourn his tragic loss. I commend it to our colleagues.

The PRESIDING OFFICER. Is there further debate?

The Chair recognizes the Senator from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. President, I am delighted to join with my distinguished colleague from Texas in this resolution for John Tower. I served with John Tower for 14 years in the U.S. Senate. We came from different parties but we became friends over those years and worked together very closely in projects for Texas.

Listening to the services a couple days ago in Texas, I could not help but look at that church overflowing with friends and seeing the many people who had been associated with him and who benefited and profited by the experience of that association. I listened to one of them say John Tower dressed like an Englishman, but they said, deep inside John Tower was pure country and Texan. I looked at the devotion of his family and his lovely daughters and his wife Lilla and thought what a tragedy it had been to the country that he and his daughter, Marian, were lost a week ago Friday in Georgia in a plane crash.

I think in reflecting on that tragedy we ought to think about the things that John Tower was able to do for his country, what he was able to accomplish. He was a voracious reader, a student of history, a lover of the English language. He was tough, he had independent judgment, a keen intellect and he was a patriot.

When John Tower was first elected to the U.S. Senate in 1961, he told a newspaper reporter that he would be there "as long as the people of Texas will have me." He was elected at the age of 35 to a seat that was originally held by Sam Houston. He seemed to face long odds of ever being reelected, much less serving four terms. John Tower proved the skeptics and the critics wrong, and not for the last time.

As a member, and later chairman, of the Senate Armed Services Committee, he demonstrated time and time again his commitment to national defense. How strongly he felt about it, how deeply he knew the issue. He developed an expertise that was widely recognized, built a record of achievement in the early eighties which helped permit our subsequent military success in the Persian Gulf and in Panama.

He was a patriot to the core. He enlisted in the Navy as an enlisted man at the age of 17 and served throughout the war on a gunboat in the Pacific. But ever the Texan, even the pictures of him in his Navy uniform showed those cowboy boots peeking out from under his trousers.

After the war, John remained in the Naval Reserve and worked his way up in the enlisted ranks. When he retired from the U.S. Senate, he was the only active enlisted reservist in the Congress. He brought to the Senate a keen understanding and appreciation of the problems facing enlisted men in our Armed Forces.

After leaving the Senate, he continued in public service as a chief negotiator on strategic nuclear armaments. And when the Iran-Contra scandal was uncovered, it was John Tower who headed up the special review board that told President Reagan how we got into that mess and how we could avoid it in the future.

John failed to win his final recognition when he was denied confirmation as Secretary of Defense in the new Bush administration. I supported John because I knew him well. I recognized his extraordinary qualifications for that post. I just could not square the man I had worked with so closely with the negative reports which surfaced about him.

That was a painful period for John, and for us as an institution. But John Tower moved on and took new challenges—until last Friday's tragedy.

Mr. President, let us remember him now for his long record of service and

devotion to our Nation, and his achievements for this Nation. Let us remember that keen mind, that hard work, that unwavering patriotism, and his achievements in strengthening our defense posture.

As we recall his combativeness, let us acknowledge also that he put our country first.

I urge the Senate to join with us in approving this resolution.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. KOHL). Is there further debate? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 97) was agreed to.

The preamble was agreed to.

## NATIONAL TEACHER OF THE YEAR

Mr. BYRD. Mr. President, Henry Adams wrote, "A teacher affects eternity; he can never tell where his influence stops."

For generations, thoughtful people have recognized the imperative value of teachers and the teaching profession to the intellectual, emotional, and moral growth and development of the young and to the progress and quality of our culture.

Unfortunately, far too often, even the most dedicated, talented, and selfless men and women who commit their lives and careers to teaching, particularly at the elementary and secondary levels, receive scant, if any, acclaim or recognition.

For that reason, Mr. President, I am especially pleased today to acknowledge the recognition that has come to one teacher from my home State, West Virginia.

Ms. Rae McKee, a reading disabilities teacher at the Slanesville Elementary School, Hampshire County, WV, has been named National Teacher of the Year. Ms. McKee was selected out of four finalists and was honored officially at the Slanesville Elementary School yesterday, with both President Bush and Secretary of Education Lamar Alexander taking part in the ceremonies.

Interestingly, Rae McKee was reared within 10 miles of the school in which she now teaches and in which she has so distinguished herself. A graduate of Shepherd College, with a master's degree from West Virginia University, she at one point had been accepted at the College of William and Mary law school. Instead, she realized that her heart was in teaching.

The students who for 11 years have been Rae McKee's special responsibility are the first beneficiaries of her choice of teaching over law.

Ultimately, the citizens of Hampshire County, of West Virginia, and of the United States will likewise be the beneficiaries of that choice. To the degree of the greater competence, self-assurance, independence, skill, and productivity of Rae McKee's students, our entire country will be that much stronger, that much more productive, and that much more secure.

Throughout my lifetime, I have felt a sense of gratitude to the teachers who devoted themselves to my own education, who virtually opened to me galaxies of knowledge and wisdom on which my mind and spirit have been nourished throughout the years since I sat in the classrooms.

I recall my teachers and how they inspired me to try to excel, and how they influenced my life. I know the worth of a good teacher, and I believe that Rae McKee is the kind of teacher with whom I sat in the schoolroom, the kind of teacher that every child in this country should have.

Sophocles said that the only good is knowledge, and that the only evil is ignorance. We owe so much to our teachers. I am convinced that perhaps no occupation, no profession, no career, is more vital or perhaps is as vital to our country's future strength and advancement as is the teaching profession.

I know that I speak for all West Virginians, and I know that I speak for all our colleagues in saluting Rae McKee of Slanesville, WV, as the 1991 National Teacher of the Year, and in thanking schoolteachers all across our country for their efforts on behalf of our children and our future as a nation, a society, and a culture.

A Builder builded a temple,
He wrought it with grace and skill;
Pillars and groins and arches,
All fashioned to work his will.
Men said, as they saw its beauty,
"It shall never know decay;
Great is thy skill, O Builder!
Thy fame shall endure for aye."

A Teacher builded a temple
With loving and infinite care,
Planning each arch with patience,
Laying each stone with prayer.
None praised her unceasing efforts,
None knew of her wondrous plan,
For the temple the Teacher builded
Was unseen by the eyes of man.

Gone is the Builder's temple,
Crumpled into the dust;
Low lies each stately pillar,
Food for consuming rust,
But the temple the Teacher builded
Will last while the ages roll,
For that beautiful unseen temple
Was a child's immortal soul.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

## JOHN HEINZ

Mr. BOND. Mr. President, after attending the very moving services yesterday in Pittsburgh, I doubt if any one of us could deliver a more moving tribute to our late colleague and dear friend, John Heinz, than the distinguished Senator from Colorado did. I think we were all very much touched by what he had to say about John Heinz.

I would say my colleague from Missouri who conducted the services, Mr. DANFORTH, did an absolutely superb job of helping us to understand this tragedy in the larger context of our religious faith. But I wanted to add my own personal thoughts, just as a footnote to the many eloquent speeches which have been made.

I have had the pleasure of working with Senator Heinz on the Banking Committee for some 4½ years. Last year, as we worked on the very important, but difficult National Affordable Housing Act, John Heinz was, again, as always, extremely effective in bringing together the House, the Senate, and the administration. He was very knowledgeable about the details of housing programs and had a great institutional memory on this subject. But he had a great knowledge about an entire range of issues that came before our committee. I was fascinated to watch him as he was always well prepared, asked very piercing questions, and came up with very, very well thought out positions.

We did not always agree. We worked together on some measures like SEC, CFTC jurisdiction fight, which he felt very strongly about. On others, we worked in opposition.

But the words during the service yesterday brought back to mind my first meeting with John Heinz. In 1975 we both participated in something called the "King of Capitol Hill Sports Competition." It is long forgotten and not lamented, but a number of us in politics engaged in various sports activities. I had the misfortune of getting just far enough in the competition to draw John Heinz as a tennis opponent. He thoroughly and soundly whipped me—one of the toughest competitors I have ever run into.

But, just as he was a tough competitor on the athletic field and a very strong and vital proponent of his views in this body and elsewhere, once you battled with him, after it was over he was a wonderful, genial, delightful person who you could not help but like.

Yesterday in the services it was said: He was the person everybody would want as a brother.

I was deeply touched by his sons who talked about him and pointed out he was a man who hated to waste time, he had so much to live for. Well, his contributions are contributions that only a busy man and a very talented man could make.

I was back in my State when news of the tragedy reached us and I found Missourians from all walks of life, rich and poor, young and old—particularly the old, who appreciated his contributions on the Select Committee on Aging—extended their condolences and asked me to pass them along to the family of Senator Heinz.

Last year my wife and I had the opportunity to travel with John and Teresa on a trip to Central Europe and became even better friends with him. We were very much impressed with the breadth of his knowledge of the culture of other countries as well as our culture. These were all subjects with which he was fascinated. He was extremely well informed. He was a man with whom it was a delight to converse on any of a range of subjects. Whether it be art, cuisine, history, economics, or international monetary policy—John Heinz was always extremely well informed.

Yesterday in the services Senator DANFORTH gave us a reason to thank God that John Heinz had fulfilled the mission of service for which we are all put on this Earth. People pointed out his talent, his enthusiasm, his adventurous and joyous spirit. His contributions—legislative and others—will long remain. But the memory we have of that spirit, of that enthusiasm, of that good nature, of that cooperative and friendly spirit is something we will carry in our hearts forever.

I join with my colleagues in expressing our deep concern and our love for his family and hope they will know that this is a giant of a man who is and will be greatly missed in this body and around the country.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to proceed as in morning business.

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

Mr. DODD. I further ask unanimous consent I may proceed for an additional 3 minutes, in order to present two sets of remarks.

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

## JOHN HEINZ

Mr. DODD. Mr. President, I wish to join, as well, today, as have a number of our colleagues on this occasion as well as previous occasions over the last several days—and of course those of us who were present yesterday in Pittsburgh to hear the eloquent remarks of our colleagues from Colorado and Missouri—in expressing the great sense of loss and tragedy that we in this institution feel. It is a feeling shared by his family and friends, his constituents and, as the distinguished Senator from Missouri just noted, countless people across this country who were not in a direct sense constituents of John Heinz but nevertheless the faceless, nameless beneficiaries of his timeless work in this body.

John Heinz' life was a tremendous gift to this Nation and to all of us who knew him. His death is certainly a terrible tragedy. In the past few days, many of our colleagues and others who knew John well have had many kind words to say about him. I listened to the touching comments made by Senator DANFORTH in his homily and Senator WIRTH in his very personal remarks. I am sure neither of our two colleagues will object, Mr. President, although their remarks were personal, if I say that they were speaking for all of us here in this body.

I especially found moving the eulogies delivered by John's three sons: John IV, Andre, and Christopher. For each of them and for John's wife, Teresa, I offer my deepest condolences for their indescribable loss.

All of these people, plus many others, have painted an eloquent and accurate picture of John Heinz and the life that he led. He was an exceptionally hard-working man. He was also a man of intellectual honesty. He consistently chose principle over expediency. Yet, as we all know, he was never one to back down from a good challenge or a good fight.

We know that John was born of privilege, but as we also know, he rejected a life of ease. He was willing to do his homework on the most complex issues. In fact, he chose as his issues some of the most intractable and complex issues that this Nation had to come to terms with. His diligence and resolve were demonstrated time and time again in the committees on which he served and on the floor of this body.

John approached his work as he did his life, with a seemingly endless supply of energy and enthusiasm. Whether he was tackling a complex labor issue or spearheading a debt-for-environment swap or handling complicated legislation on Medicare, John was a man of vision, drive, and a true sense of purpose.

Many of our colleagues have made reference to aspects of John's brilliant career in politics. I had the privilege and unique opportunity to work closely with him on the Securities Subcommittee of the Banking Committee. It was through that experience that I got to know John best and learned the real measure of this man.

When the Banking Committee organized at the beginning of the 101st Congress, I was given the opportunity to chair the Securities Subcommittee. John became the ranking minority member of that subcommittee.

Mr. President, from the very first time we sat down together to map out the agenda for their committees. I realized that having John as the ranking member was the best thing that could have happened to the Securities Subcommittee. It was also the best thing that could have happened for investors in the securities markets in this country. Mr. President, it was certainly the best thing that could have happened to this new chairman of that subcommittee.

The 101st Congress was an extraordinarily productive time for the Securities Subcommittee, and John's role during those 2 years was instrumental. John was a big thinker, a visionary who knew where our markets were going and where we had to go, as policymakers, to fulfill the capital needs of business and industry. He was not afraid to stake out a position early on and then prod the rest of the world, including this Senator, to catch up.

He was a leader, Mr. President, not a follower. But he was also a practical man. He knew how to frame an issue into what could be accomplished today and what must be left for another day.

I think we all find it unsettling to read a press account that attempts to characterize the life or career of someone we know. There is always an attempt at oversimplification which invariably undoubtedly misses the point entirely. One such report recently caught my eye. After describing John's dedication and his career, the article said that John was a loner. I would modify that somewhat. John was independent. He was not a loner at all. When we worked together as chairman and ranking minority member of the Securities Subcommittee, John was a true partner in every sense of the word. We set the agenda together. We cochaired every hearing together. We cosponsored every securities bill together. When we needed to write the administration for a position on an issue, we wrote them together. When the bills moved to the conference and final passage on the Senate floor, we were there together.

I want to share just a few more thoughts about John, Mr. President, if I can. Despite the long hours we work together in this institution, I think we never really know one another as well as when we travel together, as we are forced to do from time to time, either in this country or elsewhere. Until you have been on a plane countless hours and had to share breakfasts, dinners, meetings, and a few leisure hours with one another, you do not really get a chance to know another Senator as you might like.

John and I took such a trip just about a year ago last month when we met with officials of the European Community to talk about Europe's single market initiative and the impact this would have on American firms and American competitiveness.

John believed, as I did, that it was terribly important we not move forward with financial reform legislation in this country in a vacuum. We simply had to understand what the Europeans were doing in creating the world's single largest market for financial institutions. We simply had to be concerned about the competitiveness of our own financial services industry.

Mr. President, we kept a brutal schedule over those 5 or 6 days. Not

only did I want that, but John insisted upon it. Yet at the end of every day, when others were grabbing half an hour's rest before dinner, John was out jogging through the streets, confirming what his son said yesterday, never wasting a moment. He would arrive energized for those long evening meetings and official dinners.

Mr. President, I treasure those personal moments I spent with John Heinz and the opportunity I had to get to know him. I will miss his intellectual energy, his leadership, and his courage. I will miss the planning of the agenda we worked out together on upcoming securities legislation or just spending long hours talking with him about the integration of the European market.

Mr. President, I will miss John not only because he made my job easy as the subcommittee chairman, but he also made it enjoyable. I will miss him as a thoughtful and hard-working colleague. But most of all, Mr. President, I will miss him as a friend.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

## A TRIBUTE TO SENATOR JOHN TOWER

Mr. THURMOND. Mr. President, I rise today to mourn the tragic and untimely passing of my good friend, former Senator John Tower. Senator Tower was one of the finest men I have known, and I shall miss him greatly.

John Tower was a man of courage, character, and ability and a true patriot. He took great pride in serving his State and Nation, and the service he rendered was outstanding.

Senator Tower's career in public service was distinguished by integrity, courage, dedication, determination, and vigor. He was known to his friends as a man of great intelligence and perceptiveness, and his fine mind and wry sense of humor were an endless source of interest and amusement to us all.

John Tower was born September 29, 1925, in Houston, TX, the son and grandson of Methodist ministers. He earned a bachelor's degree from Southwestern University of Texas in 1948 and a master's degree in political science from Southern Methodist University in 1953. He served as an enlisted man in the Navy during World War II, and later pursued postgraduate studies at the London School of Economics and the University of London.

Prior to his election to the U.S. Senate in 1960, Tower's colorful career included stints as a radio announcer and an insurance agent. He was also a college professor of political science at Midwestern State University in Wichita Falls, TX. John Tower's 1961 swearing-in made him the first Republican Senator from Texas since 1877, and he immediately established himself as a force with which to be reckoned.

One of the things I admired most about Senator Tower was his Texas-style stubborn independence. Along with his polished manners and fine education, he had a streak of true individualism and strong-mindedness which made him both a sought-after ally and a feared opponent.

He was a staunch advocate for a strong national defense, even during the years when that was an unpopular stance. His tenure as chairman of the Senate Armed Services Committee was marked by his unique vision for America's future and his desire to see our country adequately defended. I believe that his championship of many military programs played a great part in the fine performance of our Armed Forces in the Persian Gulf war.

John Tower was also an outstanding advocate for the people of Texas, serving his State with the same energy and dedication he brought to all his endeavors. With true Texas style, he relished the sometimes convoluted process of garnering votes and achieving the results he wanted, and he brought boundless energy to bear on whatever task was at hand.

After leaving the Senate, Tower continued to serve this Nation well as an arms negotiator and later as head of the Commission which investigated the Iran-Contra affair. His thoroughness and professionalism in both of these capacities were noted by many, and I believe he would have been an outstanding Secretary of Defense had his nomination been confirmed.

John Tower was a fine man, and appropriately named. He often joked about his diminitive stature, but in the eyes of his many friends and admirers and in service to his country he stood 10 feet tall. I enjoyed working with him over the years and I was proud to be his friend. His death represents a great loss to those who loved and admired him, to the State of Texas, and to this Nation.

I am also deeply grieved by the death of his lovely daughter Marian, a young woman of great intelligence and grace. My thoughts and prayers are with Senator Tower's remaining daughters, Penny Tower Cook and Jeanne Tower Cox, and with his lovely former wife Lou Bullington at this difficult time.

## A TRIBUTE TO SENATOR JOHN HEINZ

Mr. THURMOND. Mr. President, it is with deep regret and a heavy heart that I rise today to mourn the untimely passing of one of the finest and most dedicated Members of this body—Senator John Heinz. I know I speak for all my colleagues in expressing the great loss we feel today.

Born on October 23, 1938, in Pittsburgh, PA, John Heinz was educated at Phillips Exeter Academy, Yale, and Harvard. He joined the Air Force as an enlisted man and served his country with honor. As a marketing specialist at his family's H.J. Heinz Food Co., he was intrigued by the impact of elected officials on a community, and became involved in local politics.

Senator Heinz was first elected to the U.S. House of Representatives in a 1971 special election. Over the next 5 years, he was twice reelected to his House seat. In 1976, he was elected to the U.S. Senate, where he served for 15 years with great distinction.

Senator Heinz' legislative record reflects his deep commitment to both his constituency and the good of the Nation. He was instrumental in the passage of legislation which strengthened the Social Security Program. He was a champion of older Americans, playing a key role in the regulation of retirement policies, pension plans, health insurance and nursing homes. He also successfully pushed for legislation that encouraged American exports and protected American products, especially steel and textiles from unfair foreign competition. His record of accomplishments is one of which we can all be proud.

John Heinz was a man of great character, commitment and ability. He served his State and Nation with such great zeal that it seems ironic one so energetic and vital could be so abruptly taken from this world. Yet I know that God has a plan, and that he has one for John Heinz, who is now safe with the Lord. I hope we will all take a few private moments to reflect on the life of this man who gave himself so completely and selflessly to public office.

The admiration and respect we feel for his memory is perhaps best expressed in a letter which was written by Senator Heinz' personal staff, "We had a great run, this Heinz team. But really it was he who had the great run; we were just lucky enough to be along for the ride." As Senators, we too were fortunate to have "been along" with such a good man.

My thoughts and prayers are with the entire Heinz family, and especially John's lovely wife, Maria Teresa, and their three children, John, Andre and Christopher.

Mr. President, I ask unanimous consent that the excellent tributes by Senator TIM WIRTH of Colorado and Senator JOHN DANFORTH of Missouri be printed in the RECORD. Senator DANFORTH is to be commended for the exemplary manner in which he presided over the funeral.

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

HOMILY DELIVERED BY REV. JOHN C. DANFORTH AT THE FUNERAL OF U.S. SENATOR JOHN HEINZ, HEINZ MEMORIAL CHAPEL, UNIVERSITY OF PITTSBURGH CAMPUS, PITTSBURGH, PA, APRIL 10, 1991

Teresa, John, Andre, Chris: Throughout the country there is a tremendous outpouring of love for your Jack, your Dad, and of support for you.

It comes from the President of the United States, from John's colleagues in the Senate, and from a security guard at Lambert Airport in St. Louis who said last Friday, "We have lost a great leader."

Famous people and ordinary people in countless numbers would do anything in their power to lift you up. You know that already, but it deserves saying.

Over the past few days, you have made it very clear that you want this to be a personal service. It has been that. The touching participation of John's children and of his closest friends remind us that he was much more than a distinguished public figure. He was a husband, a father and a friend. For those of us who know him well, there was no question in our minds that the private things came first. Much of this time was in his job. His heart was in his family.

The tributes we have heard were very personal, and we are grateful for them. But this is more than a memorial service. It is a worship service. And at every worship service, God is at the center. So I would like to think with you for just a few minutes about John Heinz and about God, and about how John's life and death reflect the Christian faith.

Christianity is about self-giving. It is about Christ, who is equal to the Father, but who empties himself, takes the form of a servant and gives himself unto death. St. Paul tells us that this self-giving Christ should be the model of life for you and for me.

This was the model for John Heinz. John gave himself unto death. He had everything. But a lot of people who have everything want to keep everything. They clutch it to themselves. They never want to let go. They are timid victims of their own good fortune.

The real issue in life is not how many blessings we have, but what we do with our blessings. That is the parable of the talents. Some people have many blessings and hoard them. Some have few and give everything away. John Heinz was a giver.

Twenty years ago, John left a world of security and entered a world of risk. The safe course was open to him. He could have stayed in business, working for the family company. Through caution, failure was impossible. In the vernacular, he had it made. Then he ran for office.

Politics is not a secure career. In politics, victory is possible, and so is defeat. Glory is possible, and so is embarrassment. And when embarrassment comes, it is as though all the world is watching you.

John did not need to be in politics. He did not need the town meetings and fundraisers, the days on the road, the nights in motels, the cramped hours in little airplanes. It was his gift.

It was his gift to the people he most wanted to serve—people so different from himself—old people, weak people, people whose lifelong jobs had disappeared. Those were the people he worked for with a persistence unmatched by anyone else I have ever known. He was doing it for them, and they knew it.

John Heinz made a gift to the people he wanted to serve. That gift turned out to be his life.

From time to time, politicians die in office. John did not merely die in office, he died while performing the duties of this office. That is a very big difference. In the literal sense, he gave his life to public service.

St Paul tells us that we should be like Christ. Like Christ, we should empty ourselves and become servants. Like Christ, we should be obedient unto death.

But that is not all St. Paul says. Death is not the end of the story. There is a "therefore" clause. Christ became a servant; Christ suffered death; therefore, God has exalted Christ.

Teresa, your Jack died in Easter week. Think about that. Think about Easter. Christ gave his life and conquered death. He offered himself; therefore, he is exalted.

He is risen! That is the ancient acclamation of Easter. The Lord is risen, indeed.

John Heinz did what we have been told to do. He took the form of a servant. He was obedient unto death. Those are the orders. Now for the promise. Death is conquered. Christ is risen. John Heinz is with his Lord.

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TRIBUTE TO SENATOR JOHN HEINZ BY SENATOR TIMOTHY E. WIRTH, HEINZ MEMORIAL CHAPEL, APRIL 10, 1991

Thank you all for joining the Heinz family today in this healing ceremony of grief and love and faith.

"The elected," Robert Lowell said of those who hold high office in Washington, "they come here bright as dimes and die disheveled and soft."

John Heinz left us still shining, still hard at work at the demanding job he loved, still growing as a public servant and as a private man.

That is what makes his death so hard to bear and his life so important to understand.

It was not a glamorous life. Only in fiction does glamour figure in politics.

In real life, politics—if done right, as John did it—stretches a man to his limits, deepens his knowledge and calls him not just to learn but to lead, to see through his own time to the needs and the possibilities of the next generation.

John brought three essentials to this career of public service.

He worked hard. He was stubborn. And he set the right priorities.

I've never known anyone with a more prodigious capacity for work. He would have breakfast in Pittsburgh and be back on Capitol Hill the same morning for a hearing, knowing his brief thoroughly.

He had little patience with those who were ill-prepared and even less with those who did not work hard.

Heaven help the staffer or witness who tried to do a snow job on John Heinz!

His determination to defend and advance the causes for which he cared did not always make him popular. But John willingly took that risk, as a committed politician must.

He could send the Senate leadership up the wall faster than anyone else I have seen, especially when he took the floor on behalf of his State and then would not budge an inch.

He didn't care how lonely or uncomfortable it got. He would stay there fighting for fair treatment for Pennsylvania until he won.

And he picked the right fights. The cause of decent health care has not had a fiercer advocate. The rights of senior citizens have not had a more devoted defender. Long term care, health maintenance organizations, hospice care, the diabetes network—the list is a long one.

He had a deep feeling about how life ought to be, a deep commitment to people who had lived a full life, given of themselves and now deserved the respect and care of their communities.

He focused the same compassion on workers displaced and powerless in the face of crunching world change and threatened with job loss and family despair, people who had contributed all of their lives and now needed help.

How wise labor had been in trusting their instinct that he would be their friend. They took a chance and endorsed John when he first ran in 1971.

And how proud he was to be their champion.

It was a direct line from here to his commitment to the environment—he believed that the Earth has nurtured us, and that it is our obligation in turn to take care of the Earth.

He developed a depth of knowledge and understanding, and a consequent sense of urgency to solve the problems we are facing.

Enormous energy and creativity were thrown into the task.

"Get the World Bank up here—they don't understand what they're doing" he roared.

He was outraged that every year fires were destroying areas the size of Pennsylvania in the Amazonian Rain Forest.

He said that we need strategies to sustain rather than destroy our natural resources, and wondered if we could use marketplace incentives to solve environmental problems.

The energy—the intellect—the phenomenal memory that caught and challenged everyone—were all part of the remarkable talent and the joy of working with John.

But perhaps most basic to his effectiveness was an endearing innocence.

He really believed that he could make the world a better place.

For all his sophistication, he had a wonderfully naive, almost little-boy-like mischievous commitment to making it better—such a contrast to the jaded resignation of our time.

His was not just an exemplary public career, earned with distinction and carried with enormous confidence. He also strove to master the other half of the political balancing act—the close and nurturing relationship with his family.

Out of the pride he felt in each of his sons, he came better to understand his own growth and his political mission.

He developed an equilibrium that gave him the freedom to dare and to believe that he could do better and that, as a result, the world could be better.

If it is true that "of those to whom much has been given, much will be asked," must we not seize this sense of the possible from his life, heed his compulsion, take up his commitment, and incorporate them in our own way of living and our own responsibility for the future.

Of course, we must.

We shall.

[A final note.]

John and I were friends. With Teresa and Wren, we were a foursome, devoted, committed, bound to one another, all of us managing somehow to make each of the others better, better in what we tried to accomplish, better at understanding and thinking about our children, better in the new ways that we invented to laugh and to cope with political life.

Now we are diminished—but the void will be filled by his children, all of our children, the next generation who join in the kind of life John Heinz had helped us to create, a shining life, a giving life, a rewarding life, a

life of love and growth and steady faith in the way the world ought to be.

## EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, on behalf of the majority leader, I ask unanimous consent that the period for morning business be extended until 2 p.m. under the conditions as previously entered.

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

## SENATOR JOHN HEINZ

Mr. MCCONNELL. Mr. President, just a week ago, this Nation was riveted by the news of the terrible plane crash in Pennsylvania that took the lives of seven people, including our own John Heinz. We have all asked the same questions about the accident:

Why? Why John Heinz? I also know that none of us can answer those questions, so it is really better not to dwell on that, and to remember how John lived rather than how or why he died.

John was one of the first Senators I met when I came to the Senate. I had not served in the House, and as a result of that I did not know very many people in this body. He took an interest in me, sort of took me under his wing at the outset, and helped me get off to a good start. I will never forget that.

John lived a full, meaningful, and robust life. As everyone knows, he was certainly blessed by birth into a great American family.

He attended our Nation's finest educational institutions. He returned to a thriving family business. He married and had three wonderful sons.

For many, life would have seemed very complete at that point. Not for John Heinz. Instead, he decided to give something back to the lives of all Americans. As a Member of Congress, John's legislative priorities and victories always were for the benefit of the average American. Specifically, John was instrumental in increasing U.S. exports to protect and create Pennsylvania's industrial jobs, was a key player in the rescue effort of the Social Security system, and moved to successfully eliminate mandatory retirement ages. He also wrote tough legislation to improve the health of the elderly and protect residents of nursing homes. John's efforts on the Senate Aging Committee to fight abuses in nursing homes and fraud in the Medicare Program will never be forgotten, not here, and certainly not back in Pennsylvania.

John was a champion of individual freedom and fought against international human rights abuses. As a matter of fact, Mr. President, the last conversation I had with John was about the abuses of Saddam Hussein and the need to have war crimes trials once the Persian Gulf war was truly ended. John had a great concern about that, and felt, as I and many others here, that this war would never be truly over until those who perpetrated these crimes were brought to justice.

Public officials are always, Mr. President, striving to be in touch with the common man, as we always put it. It is ironic that Henry John Heinz, an uncommon man of certainly uncommon background, succeeded in truly understanding what was best for rank and file America.

That is why his Pennsylvania constituents, a diverse populous of city and country folk, farmers, and assembly line workers, blacks and whites, resoundingly returned John Heinz to this body term after term.

Mr. President, this is such a sad time for us all. It ends the story of a great Senator, a great friend, and a great American, but fortunately his accomplishments will live on.

I share deeply in the grief of his family and send my heartfelt sympathies and prayers to Teresa and their three sons.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

## SENATOR JOHN HEINZ

Mr. STEVENS. Mr. President, I make a confession that I have not come to the floor before now because I knew that on the desk next to me would be the traditional flower arrangement that indicates we have a missing Member.

Senator HEINZ and I have sat beside one another and had many conversations about family, about business, and just about trivial matters, as a matter of fact. I know many people have spoken about John Heinz from the point of view of his contributions to public life, which were many. It certainly was an inspiring and memorable ceremony yesterday in Pittsburgh.

But the John Heinz that I shall miss most is as friend, who was sitting here beside me through the long nights that we often spend in the Senate, and the John Heinz who, after a similar tragedy that occurred in my family in 1978, showed really what it means to be a friend.

Many people do not know, but after my first wife was killed in an accident in 1978, in the summer of 1979 I took my family, my five children, to Nantucket, and we spent a month there to see if we could put our lives back together. John and Teresa were there with their sons.

I remember one particular day when John and some of his friends showed the Alaskans how to fish for blues in the Atlantic Ocean, we being westerners and people who love to fish. We enjoyed very much a personal life with John and Teresa Heinz.

Then, after I was remarried, Teresa was and has been very close to my wife, Catherine, and they have shared a great deal in the organization to which our Senate wives belong.

I happened to have been the chairman of the Republican Senatorial Campaign Committee during the period of time that John Heinz ran for the Senate and was elected and came to join us in 1977. In that period, I had known him as a Congressman, but I got to know him very well during that campaign. It was, in the following years, a great privilege to be with him.

Many people will comment on the fact that John Heinz, a man of great inherited wealth and natural talent, had committed himself to public service. That was a genuine commitment. It was not a commitment of someone who just was looking for something to do.

As has been said, in the area of aging and on the issues of Social Security and those people who have had misfortune in their lives, John Heinz's personal commitment to try to work through Government sources to assist in meeting their problems was enduring.

He had another recent commitment, and that was the subject of a letter, strangely enough, that I received in my office when I returned following his tragic and untimely death. He had written to me on a personal basis. I will not put the whole letter in the RECORD because it was a personal letter. But he asked me if I would like to join a working group to study a particular issue of importance to him, and that was American competitiveness in the critical technology areas.

He said this. I quote this:

> Our constituents, many for the first time, learned the importance of smart bombs and other sophisticated semiconductor-based technology in the Persian Gulf war. There is no doubt in my mind that the same kinds of advanced technology are likewise critical to our ability to compete internationally in the next century. Inevitably political and military strength are directly related to economic strength. I believe we can only sustain our role in world political leadership if we maintain our economic leadership as well.

He told me that he thought our economic leadership had been jeopardized in serious ways and in a variety of circumstances, some of our own making and some because of the aggressiveness of others. He said that not all of these problems are subject to Government solutions. It may take time for corporate thinking about competitiveness to achieve results. But he said some of these problems are within the purview of government.

He asked me if I would join with him in a working group to examine competitiveness problems to see if we can develop solutions that would prevent

this issue from becoming part of the partisan debate. He did not want it to be part of a partisan debate. He sent me some information concerning critical technologies and indicated that concerns in Japan and Europe were pulling ahead of us in these technologies.

I have addressed this with Senator HEINZ' staff, and it is my intention to try to see if we can keep that working group going. It is my further intention—and I am having a bill drafted for this purpose—to suggest to the Senate and to the Congress that we ought to have an award similar to that which we created for former Secretary of Commerce, Malcolm Baldrige, in terms of productivity, an award that would reflect a desire to put Congress behind initiatives in the private sector to deal with this competitiveness problem in critical technology areas. I suggest that obviously would be called the Heinz Award. I hope that many of the Members of the Senate on both sides of the aisle will decide to join and pursue this goal of my friend who is now departed.

As I said, it is with great regret that I come to the floor and find that traditional flower arrangement. John Heinz is going to be missed in many ways. It is obvious that I am going to miss him as a friend.

Thank you very much.

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. REID. 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. REID. Mr. President, a parliamentary inquiry. It is my understanding that the Senate is in morning business.

The PRESIDING OFFICER. That is correct.

Mr. REID. Is there any limit on the amount of time that a Senator may speak?

The PRESIDING OFFICER. Morning business allows for 5 minutes.

## EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to make a statement that would extend until the hour of 2:10, and that morning business be extended until that time.

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

The Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of S. 801 and S. 803 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER (Mr. DIXON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## JOHN HEINZ

Mr. MURKOWSKI. Mr. President, there have been many eloquent statements today on the floor. Having been in this body for approximately 11 years, I, too, have had the opportunity to enjoy a very, friendly, and close relationship with our late colleague from Pennsylvania. I had an occasion just a few months ago to travel from Salt Lake City to Washington with the late Senator Heinz. After our arrival in Dulles International Airport I gave him a ride to his residence in Georgetown. We had an opportunity to chat, which unfortunately we seldom do in this body, in the informality we had during that half-hour drive.

John was a unique individual who by chance of birth came from a wealthy heritage. But he was the type of individual who had unique qualities of warmth and interest; interest in those who were less fortunate than he.

Ours was a friendship I will always regard with personal emotion, a relationship with a close friend. It is very difficult in these moments to express my sentiments over the loss of a colleague other than to say John left an extraordinary mark on the U.S. Senate, an extraordinary mark on his State of Pennsylvania, and of course, on his city of Pittsburgh.

It was best, described by a billboard as we left Pittsburgh yesterday that said, "In memorial to Senator John Heinz." That is something one does not very often see, but I think it expressed the feeling, the gratitude for the contribution John gave to his State and his community and to his country.

We also lost a good friend, the late Senator Tower last week. Indeed, these sudden losses bring about a time of reflection. I think the Easter season provides a time for renewal, a time for reflection, and is, of course, a time for joy in the new life we see around us.

My tribute to my colleagues is one that is probably best held within my heart.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, might I inquire: Are we in the hour of morning business?

The PRESIDING OFFICER. We are in morning business, the Senator is advised.

## JOHN HEINZ AND JOHN TOWER

Mr. BURNS. Mr. President, yesterday many of us flew back from Pittsburgh, PA, after attending the funeral of a very dear colleague of ours. Of course, all of our sympathies and love and prayers go out to Teresa and John IV and Andre and Christopher. But I think we all got a rude awakening yesterday as we listened to the words of the senior Senator from Missouri [Mr. DANFORTH]. I thought John Heinz would understand that those of us who benefit so greatly from the freedoms and opportunities available to us in this great country have an obligation to give back to our country what it has given us.

John Heinz was a giver. He did not have to go into politics. He did not have to fly around in twin-engine aircraft. We all do too much of that.

Looking back, you could say it is unimportant, the trip was unimportant, but at the time it was important.

Yes, on Monday, I attended the funeral of former Senator John Tower. Our condolences, Phyllis' and mine, go out to Jeanne and Penny.

When I first came to the Senate, I did not know Senator Tower. But when his confirmation vote became the first tough vote I had to look at, I took the time to know him before I supported his nomination.

His record in this body and this Government on defense issues is unparalleled, and his leadership on the Senate Armed Services Committee, until his retirement from the Senate in 1985, was clearly seen in the successes of liberating Kuwait.

This is funny business. We fly too much; we travel too much. Maybe the love for this great country gets us into a problem every now and again.

I would like to remember two people, who traveled this same road, who touched my life. Both perished in plane crashes while in public service. I think back to the campaign of 1988, when the Secretary of State, Jim Waltermire, in the State of Montana, was campaigning in the Republican primary for Governor of our State. Our paths crossed many times, because I was running in that same primary for the seat that I now occupy. Jim died in a crash as he approached the airport in Helena, the State capital.

The second one was former Missouri Sixth District Representative Jerry Litton. A lot of folks maybe do not remember Jerry, because it has been a while, back in 1976. We are sort of shirttail relations, because both of us had our comeuppance, so to speak, in Daviess County, MO; both active in Future Farmers of America; one of the bright and shining stars of politics, not

only in the State of Missouri, but nationally.

I must also mention the families of those who perished in the Heinz plane, in the helicopter and commuter plane, and, yes, those young kids in the schoolyard. You are not alone throughout this grief. Phyllis and I, my wife and I, share it with you, and our prayers go out to you. Our loved ones who leave us in death are not forgotten, but remembered.

What President Jimmy Carter said at the death of Jerry Litton and his family is perfect for those who we have lost this week:

> When they shall die, take and cut them up into little stars, and they shall make the heavens so fine that all the world will be in love with the night.

It has been a tough week.

## THE FEDERAL PROGRAM PERFORMANCE STANDARDS AND GOALS ACT

Mr. BURNS. Mr. President, as we turn to more pressing matters of this Congress and this Government, Mr. President, one of the most pressing challenges that we face is getting our house in good fiscal order.

I am pleased to be a cosponsor of legislation introduced by my good friend, the distinguished Senator from Delaware, Senator ROTH, that will allow us to take a look at the giant step in that direction, S. 20, the Federal Program Performance Standards and Goals Act. It requires that a measurable performance be established for all Federal programs.

Frankly, after having only spent 2 years in this Congress, this bill is long, long overdue. The way our system works now, we determine how much money each Federal program will get, but we do not bother with setting standards and goals as to what we expect in return for our dollars invested, and that does not make any sense at all.

Knowing how money is spent is not the same as knowing if it is well spent. We need a mechanism which allows us to define, identify, and eliminate not only waste, but also mismanagement by the Federal Government. And I know most of us could write a book in that respect.

If S. 20 becomes law, it will enable us to rein in Government waste and mismanagement. It will also greatly enhance our ability to determine those programs that are effective and should be continued, and those that are a waste of the taxpayers' money and should be cut completely and the program eliminated.

So I urge all my colleagues to join me in supporting this Federal Program Performance Standards and Goals Act. I think it is incumbent on each and every one of us in this body now to get down to the business of making sure that our money is well spent. We owe it to our taxpayers; we owe it because it is the responsible thing to do, to get this Federal budget deficit under control.

Poll this country any way you want. The No. 1 thing the American people are telling us about is the problem of deficit spending and the national debt. It is incumbent upon each and every one of us to work to that end.

Mr. President, I yield the floor.

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. PELL. 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. PELL. Mr. President, I ask unanimous consent to proceed as in morning business.

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

The Senator from Rhode Island is recognized.

Mr. PELL. I thank the Chair.

(The remarks of Mr. PELL pertaining to the submission of Senate Resolution 98 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

## TRIBUTE TO DON SARFF

Mr. METZENBAUM. Mr. President, it is with deep sadness that I rise today to pay tribute to a member of my staff who passed away recently. Don Sarff, my chief caseworker had been a member of my staff since I first came to the Senate in 1977.

Don came to the Senate at a time when only six of our current colleagues were serving in the Senate. Starting 27 years ago with former Utah Senator Frank Moss, Don began his career on Capitol Hill as a caseworker. He remained with the Senator from Utah for 6 years and then took a position with the Senate Committee for Post Office and Civil Service. When I came to the Senate in 1977, Don joined my staff as chief caseworker.

As many of my colleagues will attest, a Senator's activities are not limited to simply legislating, but helping people. As chief caseworker in a congressional office, Don Sarff understood my desire to provide any assistance that I could to any Ohioian requesting help. He met each request with the same determinations to help those in need. For it was not unusual to find Don in the office 6 days a week. For Don Sarff, a 60-hour work week was standard. For Don, results counted. Helping people counted.

For those people who had the privilege of knowing Don, they knew that he didn't seek the solution to a problem for the sake of the remedy, but that he solved problems because he cared about the person and he truly wanted to help. Don excelled in finding solutions to difficult problems, yet he was modest about his achievements. He helped bring a chinese infant to the United States after seemingly unsurmountable difficulties with the State Department. A picture hangs in my office, sent to me as a token of gratitude from the family.

While thousands of people were helped by Don through his work, his selfless efforts on behalf of others extended to those around him. When Don was working for Senator Moss, a young woman who had just started working in his office needed to leave to make funeral arrangements for her deceased husband's funeral whom she had recently separated. New to the office and alone, without money to pay for the trip, this woman had no one to turn to. It was Don Sarff who came forward and offered his credit card so that she could pay for the trip. Somehow, Don was always able to offer the advice or assistance that seemed to matter the most.

Don was always dependable, a person I could turn to in a pinch. A staffer Sherri Levy remembered how she was in the hospital recovering from surgery, longing for a Coke. When Don came to visit, he came with a Coke in his hand. When members of my staff foolishly forgot to bring a necktie to work, Don always seemed to have a cache of available ties. As I'm sure that his wife Rita can attest, Don's generosity knew no bounds.

As we cherish Don in our memories, we will remember him for his sensitivity, his compassion, his good nature, and his patience. Yet above all, Don Sarff will remain a lasting image in our memories because of his desire to help people. For when it came down to it, Don Sarff was about helping people.

## UNITED STATES REPORTER FRANK SMYTH STILL MISSING IN IRAQ

Mr. CRANSTON. Mr. President, I rise today to express my deep concern about the plight of Frank Smyth, a freelance reporter on assignment for CBS News, and three other journalists who have been missing for the last 2 weeks in Iraq.

Smyth, Frenchman Alain Buu, a photographer for the Gamma agency; Gad Schuster Gross, a German Newsweek reporter, and BBC correspondent Nicolas Dellacasa were last seen in Kirkuk on March 27. They were part of a group of more than four dozen journalists who traveled in mid-March to Iraq from Turkey to report on the Kurdish uprising.

Smyth, a graduate of the Johns Hopkins School of Advanced International Studies in Washington, DC, is well known for his enterprising reporting from El Salvador, where he worked for

several years. His work often provided fresh insight to the situation in that troubled country and he frequently visited Capitol Hill to share his perspectives.

My office has consulted with both the State Department and the New York-based Committee to Protect Journalists concerning these disappearances. Unfortunately, no concrete information seems to be available..

I urge Secretary of State Baker and the United States authorities based in southern Iraq to continue to bring this issue to the attention of the Iraqi Government. I hope the State Department will make the task of locating these journalists and assuring their well-being a priority in the coming days and weeks.

## SUPPORT FOR CRANSTON-MOYNIHAN WAR CRIMES BILL GROWS

Mr. CRANSTON. Mr. President, the scenes of horror and human suffering emanating from Iraq have served as a fresh reminder—as if any were needed—of why the comparison of Saddam Hussein to Hitler was an apt one.

The plight of the Kurds has shown us the extent to which President Bush's call for a new world order has been ignored by the White House itself.

The hope offered by the administration's apparent promise of international order through strict observance of international law has foundered on the shoals of a geostrategic view of the world divorced from our own best instincts as a people.

The policy, noted David S. Broder in yesterday's Washington Post, shows "something of the character of this President, who has demonstrated over and over again that he is ready to 'rise above principle' when it collides with power realities."

Fortunately this policy of calculated callousness has been met with cries of outrage from our colleagues, Democrat and Republican alike. Half a million men and women from our Armed Forces did not risk everything in the Persian Gulf to restore the Kuwaiti monarchy.

Nor was their sacrifice made so that they could now sit idly by as Saddam's military henchmen—whose troops broke ranks and surrendered by the tens of thousands when confronted by a real army—turn their vengeance on innocent old people, women, and children in Basra, Kurdistan, and scores of forgotten towns that are known to us now only because of their suffering.

Mr. President, it is clear that Congress must make itself heard to ensure that that moment of unity and sense of higher national purpose that characterized our battlefield victory over Saddam is not lost to us now.

On Tuesday, my good friend and distinguished colleague, the Senator from Rhode Island [Mr. PELL], took an important step in this direction by convening a hearing in the Foreign Relations Committee he ably heads, to look at the issue of war crimes.

Perhaps the administration was too busy denying its own role in encouraging the Kurdish rebellion, then leaving these valiant partisans twisting slowly in the wind, to have sent a representative to the hearing. Or perhaps someone over at Foggy Bottom remembered President Bush's March 7 address to the joint session of Congress, where he declared that:

> It's time to put an end to micromanagement of foreign and security assistance programs, micromanagement that humiliates our friends and allies and hamstrings our diplomacy.

Whatever the case, there were no administration witnesses; they were, apparently, speechless. Instead the committee was treated to the wise and eloquent words of Nobel Laureate Elie Weisel, as well as to the well-informed counsel of two international legal scholars, Robert Woetzel, president of the Foundation for the Establishment of an International Criminal Court, and Anthony D'Amato, international law professor at Northwestern University.

One of the bills which was discussed was the Cranston-Moynihan War Crimes Prevention Education Act of 1991.

Our bill would cut off all foreign assistance except for humanitarian aid to any government that commits gross violations of international standards governing the conduct of armed conflict. I realize that this bill does not cover all the situations foreseen in the Geneva Conventions, only those involving situations of armed conflict, but this, of course, is what we are concerned with today.

The bill also does something more. It would make American security assistance conditional on the recipient governments teaching the Geneva Conventions and other relevant rules of war to all its military personnel.

According to Dr. D'Amato, the Cranston-Moynihan bill "supplies an important missing element to the very progressive legislation * * * on the books prohibiting assistance for countries that violate fundamental human rights."

In a similar vein, I would like to point out that the Cranston-Moynihan bill has been endorsed by two prestigious human rights groups, the Human Rights Watch and the Washington Office on Latin America.

In a letter to my office, Kenneth Roth, deputy director of the Human Rights Watch, said that our war crimes bill is viewed by his office "as an important effort to ensure that the United States does not, through the provision of foreign assistance, become a party to systematic violations of international humanitarian law, or the laws of war."

The State Department, he noted, "has implicitly recognized the importance of guiding U.S. foreign policy not only by reference to international human rights law but also by reference to international humanitarian law when, 2 years ago, it began including a section on violations of the laws of war in its annual Country Reports on Human Rights Practices. However, no comparable change has been made in the legislation guiding U.S. foreign assistance."

Mr. President, once again I urge my colleagues to reaffirm our commitment to an international order based on international law by supporting the Cranston-Moynihan bill.

I ask unanimous consent that a statement of mine that was entered into the record of the Foreign Relations Committee hearing Tuesday be now entered into the RECORD. I also ask that the letters of support I have received from the Human Rights Watch and the Washington Office on Latin America, together with a paper on war crimes written by American University legal scholar Robert K. Goldman, be entered into the RECORD as well.

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

STATEMENT ON WAR CRIMES, U.S. SENATOR ALAN CRANSTON, SENATE FOREIGN RELATIONS COMMITTEE, APRIL 9, 1991

The brutal suppression of anti-regime insurgents in Iraq and Kuwaiti reprisals against Palestinians and other foreigners in the wake of the allied victory show that the issue of war crimes—and what to do about them—is not going away.

The terrible reports of criminal burtality against Kurdish civilians and Shiite dissidents in Iraq, in particular, show that more concerted efforts by nations are needed if the 1949 Geneva Conventions are going to work.

The current campaign by the Butcher of Baghdad against Kurdish freedom fighters is only the latest in a string of outrages committed by Saddam against both international standards of decency and the rules of the conduct of warfare.

Today's civilian massacres, a spectre of evil in and of themselves, are also an indictment of earlier failures to deal forcefully and convincingly with Saddam's brutality.

Both before and after Iraq's invasion of Kuwait last year, Saddam Hussein oversaw the massive violation of all civilized conduct regarding warfare.

The use of weapons of mass destruction against both Iraqi Kurds and against Iranian combatants; the rape of Kuwait and the unprovoked Scud attacks against Israel's civilian population; the abuse of American and other allied POW's—all these acts of barbarism reaffirmed the need for a new resolve in dealing with war crimes.

The general purpose of the Geneva Conventions and other rules concerning the conduct of warfare is to persuade nations that they should, in times of war, avoid certain inhumane acts while ensuring the performance of other fundamental guarantees.

The four Geneva conventions provide for the protection of the sick and wounded on land, the protection of the sick and wounded

at sea and of those who become shipwrecked, the treatment of prisoners of war, and the protection of civilians in times of war.

Currently U.S. aid is conditioned on a country's respect for human rights and its nonsponsorship of terrorism.

There is, however, a gaping hole in our foreign assistance legislation. There are no explicit provisions for a cutoff of assistance for those countries which commit war crimes.

Last month I introduced, together with Senator Daniel Patrick Moynihan, a bill—the "War Crimes Prevention Education Act"—that would plug this gap.

My bill would cut off all foreign assistance except for humanitarian aid to any government that commits gross violations of international standards governing the conduct of armed conflict.

The bill would also make American security assistance conditional on the recipient governments teaching the Geneva conventions and other relevant rules of war to all its military personnel.

They should be warned that orders by superiors to violate those rules are illegal and should be disobeyed. Following orders is no defense against war crimes.

As American University legal scholar Robert K. Goldman has noted, just as human rights legislation seeks to avoid this country's identification with governments that grossly violate internationally recognized human rights, the Cranston-Moynihan bill distances the United States from governments whose armed forces grossly violate fundamental guarantees of international humanitarian law.

The Gulf War should have taught us the lesson that the old idea—that "the enemy of my enemy is my friend"—is a false standard upon which to base our foreign policy. it was part of our Cold War strategy, and it didn't work very well then either.

Because Saddam was the enemy of our enemy, Iran, in the 1980s, we helped him help himself to our technology, our financial credits and even our intelligence.

Had the Cranston-Moynihan war crimes bill been law then, we would have stopped aiding in the 1980s a country we went to war against in 1991.

We would have disassociated America's good name and international standing from Iraq at a time when the Kurds and the Iranians were slaughtered by Saddam's weapons of mass destruction.

And it would have served as a signal that not only does the United States expect compliance with the Geneva Conventions governing armed conflict by our own troops, but also by those receiving our security assistance.

Just how seriously we take war crimes, however, is not just a matter of legislation. it also requires leadership.

The brave partisans in the mountains of Kurdistan and in the streets of Basra deserved better than they received from us.

Under the 1949 Geneva Conventions we are responsible, as a party to this conflict, to assure that the victims of the conflict are treated humanely and cared for to the best of our ability.

That is an international legal responsibility, I fear, that the U.S. government has not adequately met, particularly in the case of the Kurds and other ethnic rivals to Saddam.

One is left with the impression that the events of the last weeks is nothing less than a sad repetition of those in Budapest in 1956.

Only a few short weeks ago we and our allies were talking about bringing Saddam up on war crimes charges.

Now the question seems to be shifting to: Can we deal with an Iraqi Government still led by Saddam and his military henchmen?—with the implication being that the answer might be, yes.

The answer in keeping with our best selves and with our own outrage about war crimes should be, no.

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HUMAN RIGHTS WATCH,
*Washington, DC, April 9, 1991.*

Hon. ALAN CRANSTON,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR CRANSTON: I write on behalf of Human Rights Watch in response to your office's request for comment on the War Crimes Prevention Education Act of 1991. We view the bill as an important effort to ensure that the United States does not, through the provision of foreign assistance, become a party to systematic violations of international humanitarian law, or the laws of war.

Human Rights Watch has long affirmed the importance of Section 502B of the Foreign Assistance Act of 1961, which denies security assistance to governments that systematically commit gross violations of human rights—an often critical tool for pressuring abusive governments to respect human rights and for ensuring that the United States does not facilitate abuses through the provision of material support.

In times of war, however, Section 502B is hampered in its application by the limited scope of international human rights law. While warfare is no excuse for a government to ignore the nonderogable provisions of human rights law, human rights law as a practical matter often provides inadequate guidance to the soldier in the field. For example:

The "right to life" and the right not to be "arbitrarily deprived of [one's] life," contained in Article 6 of the International Covenant of Civil and Political Rights, does not supply the detailed rules contained in the laws of a war on who is an appropriate target for military attack and what are appropriate means for carrying out such attacks.

The prohibition against "arbitrary arrest and detention" set forth in Article 9 of the Covenant does not provide the type of specific safeguards contained in the Third Geneva Convention of 1949 on the treatment and release of prisoners of war.

International human rights law contains nothing akin to the provisions of the 1949 Geneva Conventions protecting medical and religious personnel, prohibiting the perfidious use of a Red Cross emblem, and proscribing the forced induction of prisoners of war into enemy armed forces. Nor does it include the prohibitions on the use of chemical weapons that are found in the laws of war.

Traditional human rights law, because it is addressed only to governments, does not speak to abuses committed by rebel forces in times of internal armed conflict, as does common Article 3 of the 1949 Geneva Conventions.

The State Department has implicitly recognized the importance of guiding U.S. foreign policy not only by reference to international human rights law but also by reference to international humanitarian law when, two years ago, it began including a section on violations of the laws of war in its annual Country Reports on Human Rights Practices. However, no comparable change has been made in the legislation guiding U.S. foreign assistance.

The proposed legislation is an important step toward remedying this significant shortcoming. It would encourage instruction in the laws of war, so that soldiers under the strain of combat would be more prone to abide by its safeguards. And it would send a clear signal, be it to tomorrow's Saddam Hussein or to abusive rebel leaders, that the critical norms of international humanitarian law—norms which in the form of the 1949 Geneva Conventions have been ratified by 165 nations—cannot be systematically flouted by those who hope to benefit from U.S. largesse.

Respectfully yours,

KENNETH ROTH, Esq.,
*Deputy Director,*
*Human Rights Watch.*

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WASHINGTON OFFICE ON
LATIN AMERICA,
*Washington, DC, April 3, 1991.*

Senator ALAN CRANSTON,
U.S. Senate,
*Washington, DC.*

DEAR SENATOR CRANSTON: I write to express the full support of the Washington Office on Latin America (WOLA) for the amendment you have proposed to the Foreign Assistance Act of 1961. This bill—the War Crimes Prevention Education Act of 1991 which adds international humanitarian law protections to the human rights guarantees already codified in the Foreign Assistance Act—takes an important step forward in assuring respect for human rights in U.S. foreign policy.

International humanitarian law provides critical protection of fundamental rights in situations of armed conflict where criteria additional to those of international human rights conventions are needed. All human rights, even the most basic rights of physical integrity, are most vulnerable in situations of armed conflict from international war to civil war to an insurgent threat to the state. This legislation recognizes that reality, and expands and deepens the United States commitment to the fundamental values represented in both international human rights law and international humanitarian law.

ALEXANDER WILDE,
*Executive Director.*

CHARACTERIZATION AND APPLICATION OF INTERNATIONAL HUMANITARIAN LAW IN NON-INTERNATIONAL AND OTHER KINDS OF ARMED CONFLICTS[1]

I. SITUATIONS OF INTERNAL TENSIONS AND DISTURBANCES

Examples of such situations are riots, such as demonstrations without a concerted plan from the outset; isolated and sporadic acts of violence, as opposed to military operations carried out by armed forces or armed groups; other acts of a similar nature, including, in particular, large scale arrests of persons for their activities or opinions. Serious situations of internal tensions (which can be the sequels of armed conflict or internal disturbances) typically have one or more of the following characteristics; large scale arrests; a large number of political prisoners; probable existence of ill-treatment or in-human conditions of detention; the suspension of fundamental judicial guarantees and allegations of disappearances.

Internal tensions and disturbances are not presently governed by international humanitarian law as they are covered by universal and regional human rights instruments. However, the ICRC has a legally recognized

[1] Prepared by Robert K. Goldman, Professor of Law and Louis C. James Scholar, Washington College of Law, the American University.

right of initiative to offer its services to assist and protect the victims of such situations.

II. INTERNAL ARMED CONFLICTS DEFINED IN COMMON ARTICLE 3

*A. Material Field of Application*

Article 3 simply refers to, but does not actually define, "an armed conflict of a non-international character." In fact and practice, it is applicable to low intensity open, armed confrontations between relatively organized armed forces or armed groups occurring exclusively within the territory of a particular state. Thus, article 3 does not apply to a mere act of banditry or an unorganized and short-lived rebellion. Article 3 typically applies to armed strife between governmental armed forces and organized armed insurgents. It also applies to cases in which two or more armed factions within a country confront one another without the involvement of governmental forces when, for example, the established government has dissolved or is too weak to intervene.

The application of article 3 is automatic as soon as a situation of armed conflict exists. It imposes fixed legal obligations on the parties to an internal conflict for the protection of persons *not*, or no longer, taking an active part in the hostilities. Unlike human rights law, which restrains violations inflicted only by a government and it agents, the obligatory provisions of article 3 expressly bind both parties to the conflict, i.e., government and insurgent forces. Moreover, the obligation to apply article 3 is absolute for both parties and independent of the obligation of the other party.

Significantly, article 3 is the only provision of the four Geneva Conventions that directly applies to internal armed conflicts. The parties to such a conflict have *no* legal obligation to implement, enforce, or comply with the highly developed protections of the other articles of the Conventions that apply solely to an international armed conflict.

The government, therefore, is *not* obliged to accord its armed opponents prisoner of war status because insurgents do not have the combatants' privilege. Moreover, article 3 in *no* way precludes a government from punishing these persons for the commission of crimes under its domestic laws. Thus, the government can try captured insurgents who kill government soldiers for murder, treason, sedition, and other violent acts. Such trials must be conducted in accordance with the standards set forth in article 3. To ensure that the application of humanitarian guarantees in article 3 by the government is *not* legally construed as recognition of the insurgents' belligerence, the article unequivocally states that application of its provisions does *not* affect the legal status of the parties to the conflict. Moreover, the ICRC is expressly empowered to offer its services to the warring parties to assist and protect the victims of the conflict.

*B. Protection of the Civilian Population Under Article 3*

Unlike treaty law governing international armed conflicts, article 3 contains no rules regulating the means and methods of warfare. In addition, the terms "civilian" and "combatant" do not appear in any of the provisions of article 3. Although article 3 does *not* provide explicit protection for the civilian population from attacks or their effects, its prohibition of "violence to life and person" against "persons taking no active part in the hostilities" may be broad enough to encompass attacks against civilians in territory controlled by an adverse party in an internal armed conflict. The primary purpose of article 3, however, is to absolutely insure humane treatment of those persons who do *not* or *no* longer actively participate in the hostilities when they are in the power of a party to the internal conflict. Such persons are entitled to humane treatment without adverse distinction.

Persons protected by article 3 include members of both government and dissident forces who surrender, are found wounded, sick, or unarmed, or are otherwise captured by the other side. Individual civilians are similarly entitled to the guarantees contained in article 3 when they are captured by or subjected to the power of a warring party, even if they had fought for the opposing party, or indirectly participated in the hostilities by providing either party with food or other logistical support. Under these circumstances, if these persons die as a result of execution or torture inflicted by a party to the conflict, their deaths are tantamount to homicide.

III. CUSTOMARY INTERNATIONAL LAW APPLICABLE TO INTERNAL ARMED CONFLICTS

Although article 3 does *not* by its terms prohibit attacks against the civilian population in non-international armed conflicts, such attacks are prohibited by the customary laws of armed conflict. United Nations General Assembly Resolution 2444, "Respect for Human Rights in Armed Conflicts" (United Nations Resolution 2444), adopted by unanimous vote on December 19, 1969, expressly recognized this customary principle of civilian immunity and its complementary principle requiring the warring parties to distinguish civilians from combatants at all times. The preamble to this resolution clearly states that these fundamental humanitarian law principles apply "in all armed conflicts," meaning both international and internal armed conflicts. Furthermore, the ICRC has long regarded these principles as basic rules of the laws of war that apply in all armed conflicts. The United States government also has expressly recognized these principles as declaratory of existing customary international law. These principles, therefore, constitute legal obligations for all the parties to internal conflicts.

IV. INTERNAL ARMED CONFLICTS AS DEFINED IN PROTOCOL II

*A. The Protocol's Material Field of Application*

Article 1, Paragraph 1 of Protocol II limits that instrument's application to a non-international armed conflict, "which takes place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol."

Protocol II develops and supplements article 3 without modifying that article's existing conditions of application. Thus, in those conflicts satisfying the conditions for its application, Protocol II applies cumulatively and simultaneously with article 3 because the scope of Protocol II is included in the broader scope of article 3. Protocol II's threshold of application, however, is both different from and clearly above that of article 3. Protocol II introduces objective qualifications *not* found in article 3, such as the requirements that a state party's armed forces must participate in the conflict and that dissident armed forces or other organized armed groups must exercise control over a part of its territory. In fact, control of part of the territory by opposition forces must exist for the Protocol to apply. And, that control must be sufficient to enable the rebels to carry out "sustained and concerted military operations" and to apply the Protocol. The rebels, in short, must be able to detain prisoners, treat them humanely and give adequate care to the wounded and sick. These criteria are principally designed to limit the application of Protocol II to serious cases of rebellion. Thus, the objective conditions that must be satisfied to trigger the Protocol's application contemplate a situation of civil war essentially comparable to a state of belligerency under customary international law.

As with article 3, application of Protocol II neither implies recognition of or modifies the legal status of the rebels. Members of armed forces or groups captured by the adverse party are *not* entitled to prisoner of war status, but must be given the fundamental guarantees of humane treatment and judicial guarantees set forth in articles 4 and 6 of the Protocol. Further, unlike article 3, Protocol II expressly accords the civilian population and individual civilians general protection against direct attacks and inferentially protect them and civilian objects from indiscriminate or disproportionate attacks as well. Application of Protocol II in *no* way affects the ICRC's right under article 3 to offer its services to the warring parties to assist and protect the victims of the conflict.

V. INTERNATIONALIZED INTERNAL ARMED CONFLICTS

An "internationalized" non-international armed conflict is a civil war characterized by the intervention of the armed forces of other states on behalf of opposing parties to the civil war. The present state of humanitarian law is unclear and problematical regarding such conflicts. This is largely because the law of war is based on an artificial distinction between international (interstate) armed conflicts and non-international (internal) armed conflicts, with different rules. States have rejected attempts to graft all the law of international warfare on civil wars with foreign intervention. Such conflicts are thus hybrids without being governed entirely by either body of law.

*A. Internal Armed Conflict Relationships*

The solution followed by most international lawyers has been to break down the armed conflict into its international and domestic components and, based on this differentiation, to identify the humanitarian law rules governing relations between the warring parties. For example, suppose there is a civil war in country X with the armed forces of country Y fighting on the side of government troops and those of country Z on the side of the rebels. Applying this approach to the conflict in country X, it is possible to identify the following distinct relationships. As between the original parties to the civil war, the government of country X and the rebels, the armed conflict, despite foreign intervention, remains non-international in character. Relations between government and rebel forces are governed by common article 3, customary international law applicable to internal conflicts and Protocol II if country X has ratified it.

Although the presence of soldiers of country Y fighting beside government troops unquestionably gives an international dimension to the conflict in country X, this fact does *not* make that conflict international in nature as between country Y and the local rebels. The same internal armed conflict

rules must be applied and observed by country Y and rebel combatants. Thus, the government of country X, and its allies from Y are *not* obliged to grant captured rebels prisoner-of-war status. Similarly, government and country Y combatants who are captured by the rebels need *not* be accorded this status.

*B. International Armed Conflict Relationships*

A different set of humanitarian law rules, however, governs relations between government X troops, its allies from country Y and troops from country Z. Under article 2 common to the four Geneva Conventions, an international armed conflict must involve a declared war or, in its absence, any other armed conflict between two or more states.

The conditions for an interstate armed conflict are met in country X as between country Z and the government of X since Z has intervened directly with its armed forces on the side of the rebels there. In addition, country Z and country Y should also be regarded as adverse parties in this international conflict. Accordingly, the entire law of international armed conflict governs the conduct of hostilities among the troops of countries Y and Z and those of the government of X. Specifically, this includes the four 1949 Geneva Conventions and its 1977 Protocol I (only for ratifying states).

As a consquence of their participation in an international armed conflict, the governments of countries X, Y and Z would be required to grant in conformity with the third Geneva Convention prisoner-of-war status to captured combatants. Further, troops of government X who are captured by country Z combatants should also be granted this status. They should *not* be handed over to the rebels who might consider them nationals in a rebellion and, thus, ineligible for prisoner-of-war status.

In several such hybrid conflicts in the past, the ICRC has called on all the parties militarily engaged in the conflict to respect international humanitarian law and to allow it to carry out its traditional tasks of protection and assistance under the Geneva Conventions.

VI. INTERNATIONAL ARMED CONFLICTS

Under article 2 common to the four 1949 Geneva Conventions, an international armed conflict, by definition, must involve a declared war at the very least, or, in its absence, any other armed conflict between two or more states. The official commentary to the Conventions broadly defines armed conflict as any difference between two states leading to the intervention of armed forces.

In contrast to internal armed conflicts, the Geneva Conventions in their entirety and 1977 Protocol I govern international armed conflicts and have mandatory provisions for the enforcement and implementation of their norms. These include supervision by protecting powers on an impartial humanitarian body, such as the ICRC, state responsibility for breaches of these norms, and individual responsibility for "grave breaches" that are made universal crimes within the jurisdiction of all parties to the Conventions and Protocol I.

## BREAKTHROUGH IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, a promising breakthrough has occurred in recent weeks in the long stalemate over Northern Ireland. An agreement has been reached to hold all-party talks on the three key relationships involved in the conflict—the relationships between the Protestant and Catholic communities in Northern Ireland, between Northern Ireland and the Republic of Ireland, and between Great Britain and Ireland.

The agreement to hold the talks was made by the Irish Government, the British Government, the Social Democratic and Labour Party, the Alliance Party of Northern Ireland, the Democratic Unionist Party, and the Official Unionist Party in Northern Ireland.

At a time when peaceful democratic revolutions are transforming Eastern Europe, and when the European Community is moving toward 1992 and greater integration and cooperation, it is more important than ever to achieve progress in Northern Ireland and end the violence and confrontation that have now claimed nearly 3,000 lives. The goal of a peaceful and prosperous future for all citizens of Northern Ireland is within reach at last. I hope that 1991 will be the year in which it is achieved.

A great deal of credit for this breakthrough goes to Mr. Peter Brooke, Britain's Secretary of State for Northern Ireland, who has worked tirelessly and painstakingly with all the parties over a period of 14 months to put together this agreement. I commend Mr. Brooke for his achievement, and I ask unanimous consent that statements by Mr. Brooke and the Irish Government may be printed in the RECORD, as well as articles in The Irish Times by Mr. John Hume, leader of the Social Democratic and Labour Party, Mr. James Molyneaux, leader of the Official Unionist Party, and Mr. Peter Robinson, deputy leader of the Democratic Unionist Party.

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

STATEMENT BY THE SECRETARY OF STATE FOR NORTHERN IRELAND, THE RIGHT HONORABLE PETER BROOKE MP, MARCH 26, 1991

Mr. Speaker, I am pleased to be able to inform the House that, following extensive discussions with the main constitutional parties in Northern Ireland (the Alliance Party of Northern Ireland, the Social Democratic and Labour Party, the Ulster Democratic Unionist Party and the Ulster Unionist Party) and with the Irish Government, a basis for formal political talks now exists. I frankly acknowledge to the House that this would not have been possible without the goodwill and determination of the Northern Ireland parties and the helpful and constructive approach taken by the Irish Government. The stated positions of all these parties are well know. Her Majesty's Government reaffirms its position that Northern Ireland's present status as a part of the United Kingdom will not change without the consent of a majority of its people.

The endeavour on which we have all agreed to embark is an ambitious one. We are setting out to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands. While a successful outcome cannot be guaranteed in advance, I am confident that all the potential participants are committed to a forward-looking and constructive approach. For their part, the two signatories of the Anglo-Irish Agreement—the British and Irish Governments—have made clear that they would be prepared to consider a new and more broadly based agreement or structure if such an arrangement can be arrived at through direct discussion and negotiation between all of the parties concerned.

To allow an opportunity for such a wider political dialogue the two Governments have agreed not to hold a meeting of the Anglo-Irish Conference between two pre-specified dates. All of the parties concerned will make use of this interval for intensive discussions to seek the new and more broadly based agreement which I have just described.

As the Conference will not be meeting between the specified dates the Secretariat at Maryfield will accordingly not be required for that period to discharge its normal role of servicing Conference meetings provided for in Article 3 of the Agreement.

It is accepted that discussions must focus on three main relationships: those within Northern Ireland, including the relationship between any new institutions there and the Westminster Parliament; among the people of the island of Ireland; and between the two Governments. It is common ground between all the parties that hope of achieving a new and more broadly based agreement rests on finding a way to give adequate expression to the totality of the relationships I have mentioned.

Talks will accordingly take place in three strands corresponding respectively to the three relationships. Some arrangement will be needed for liaison between the different strands of these complex discussions. All the Northern Ireland parties will participate actively and directly in the North-South discussions. The Unionist parties have made clear that they wish their participation in those talks to be formally associated with my presence and that they will regard themselves as members of the United Kingdom team.

It is accepted by all those involved that, so as to make full use of the interval between meetings of the Conference to achieve an overall agreement satisfactory to all, it will be necessary to have launched all three sets of discussions within weeks of each other.

A first step towards getting related discussions under way in all three strands will be the opening, as soon as possible, of substantive talks between the parties in Northern Ireland under my chairmanship. These will commence with a round of bilateral meetings before moving on, as soon as possible, into plenary sessions. It has been agreed by all the participants that before long, when, after consultation, I judge that an appropriate point has been reached, I will propose formally that the other two strands should be launched. My judgment as to timing will be governed by the fact that all involved have agreed that the three sets of discussions will be under way within weeks of each other.

The internal talks, like the talks in the other strands, will follow a demanding and intensive schedule. In order to ensure a full airing of the issues, it will be open to each of the parties to raise any aspect of these relationships including constitutional issues, or any other matter which it considers relevant. All concerned have assured me that they will participate in good faith and will make every effort to achieve progress.

It is accepted by all the parties that nothing will be finally agreed in any strand until everything is agreed in the talks as a whole and that confidentiality will be maintained thereunto. However, in the final analysis the outcome will need to be acceptable to the people.

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STATEMENT BY THE GOVERNMENT OF IRELAND ON ANGLO-IRISH RELATIONS, MARCH 26, 1991

The Government are extremely pleased that a basis now exists for the launch of political talks focussing on the totality of relationships within and between these islands.

The commitment and perseverance of all involved has kept the prospect of talks alive over these past fourteen months. The Government pay tribute to the personal qualities of the Secretary of State for Northern Ireland, Mr. Brooke, and also to the combination of realism and vision displayed by the political leaders in Northern Ireland.

Without wishing to minimise the differences in positions, the Government believe there is now a genuine sense of common purpose among all the participants. As the Secretary of State said in the House of Commons today, we are setting out to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland, and between the peoples of these islands. This shared appreciation of the nature and scope of the exercise undoubtedly helps to strengthen the prospects of a positive outcome to our endeavours.

Throughout these past fourteen months, the Government's concern has been to establish the soundest possible basis for talks and one which would be conducive to a successful outcome to the process. We shared the conviction that, unless the structures were right, the risk of failure of the substantive talks would be very high. It is for this reason that the two Governments—and indeed all the potential participants—have devoted so much time and attention to seeking to put proper structures in place.

The Government are acutely conscious that there is now a historic opportunity for both traditions on this island. Following decades of mistrust, agreement has been reached on the need for wide-ranging dialogue, where the full range of issues that divide and unite our two communities can be exhaustively explored. With goodwill and a constructive approach all round, there is potential for a qualitative leap forward in our relationship. Whatever the differences in perspective, and they undoubtedly exist, all of us in Ireland share the common objectives of peace, justice and prosperity for all our people.

The Government looks forward to a substantive and vibrant dialogue with Northern political leaders, when we will listen carefully to the views of all participants while contributing fully ourselves. Our sensitivity to Unionist concerns will go hand in hand with a forthright expression of the values and aspirations we share with Northern nationalists. We will seek to build for the future while ensuring that we do not put at risk what has been achieved and sustained over recent years.

Above all, it is the Government's hope that this sense of a new beginning will help to signal the end of the strife that has bedevilled Northern Ireland for so long. With the political process now offering the opportunity of a new way forward, the futility and irrelevance of violence must increasingly be apparent. Those who continue to give their support to campaigns of violence thereby exclude themselves from this process; the permanent cessation of such support must surely now be considered by all those who wish to participate in the building of a new, agreed Ireland.

Today's developments have brought renewed hope to people thoughout this island. The Government are embarking on this ambitious exercise in a spirit of partnership, fully sharing the determination of all involved that our endeavours should prove worthy of the hopes invested in them.

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[From the Irish Times, Mar. 27, 1991]

JOHN HUME'S VIEW: "WHOLE ISLAND MUST VOTE ON ANY PACT"

Any agreement which might emerge from talks involving the nationalist and unionist parties, and the British and Irish Governments, should be put to the people in the North and South in simultaneous referenda, SDLP leader Mr. John Hume said in his January, 1989, interview with Frank Millar.

What he wanted to see from an all-round conference is the representatives of the "divided people of this island reaching an agreement on how they share the island. As to how they share the island would have to emerge from that conference table. That means that whoever goes to that table to represent the different sections of the people must be free to put on that table any proposal they wish," he explained.

"I think the first thing that would happen if such discussions started would be that it would transform the atmosphere in the island as a whole. The goodwill would be quite enormous, and a lot of the old prejudice might quickly be eroded because of the new atmosphere of good will. And we should also understand that the new atmosphere existed inside a wider world context and a wider European context, that both parts of Ireland have already committed themselves to . . . If agreement was reached I would have no doubt that it would have the approval of both sections."

Mr. Hume continued: "I am talking about a new settlement which addresses the central relationship that goes to the heart of our problem—the relationship between the unionist people and the rest of the people of the island. What I am saying is that that relationship should be settled to the mutual satisfaction of both. I would be very foolish, and so would they and so would anybody, before going to seek such a settlement at a table, to spell out in detail what the eventual outcome would be because that's not very good politics.

"What we should state are the objectives—that we want to reach agreement on how we share this island to our mutual satisfaction and having done so to ask the approval of the people who sent us to the table in the first place. What the details are of who we share the island must be details that emerge from such discussions. And it must also, of course, and I have always made clear and I think this is self-evident, that the relationships, that is, the central relationship, is that between the unionists and the rest of the island.

"There are other relationships as well that have to be addressed, that's become known as the totality of relationships. They've got to be addressed as well and they've got to be resolved to mutual satisfaction but the central one, the one that has never been addressed is the unionists and the rest of the island sitting down together. In the past, they have always tried to use the British to settle the relationships for them and I would put it mildly, not very successfully either."

Asked would a potential settlement have enormous implications for the Irish Constitution, Mr. Hume said that it was accepted by all parties in the Republic that any new settlement which involves the unionists and themselves would mean looking at the possibility of an entirely new constitution. "Most political leaders in the Republic have said time out of number that in the event of a settlement between themselves and the unionists they would not object at all to considering a new constitution," he said.

Asked from his relationship with the Taoiseach was he confident Mr. Haughey would endorse a new enterprise Mr. Hume replied that Mr. Haughey would be "very swift indeed to take up any opportunity of dialogue with the unionist people that could lead to a settlement of relationships between the unionist people and the rest of the people of this island."

Mr. Hume said that he was very keen to enter into dialogue with the unionist parties. The objective would be to ensure that there was no sacrifice of principle by any of the parties involved in their attitudes to the Anglo-Irish Agreement. "Our objective would be to seek an agreement and find an agreement that would transcend in importance any previous agreement ever made. I think that's a straight clear way to do it, and I think that the unionists don't abandon their mandated position by so doing."

The SDLP leader said that a real change had occurred in the North in that despite opposition, the British Government had not backed down in its support for the Anglo-Irish Agreement. "I am saying that for the first time since 1920 that vicious circle (of violence) is being broken down. A new fluidity has been created in the political arena which must be taken advantage of. And if it is taken advantage of and developed, then we will move towards a political solution that will eradicate all these other grievances which are symptoms of the problems. It is the duty of politicians like myself to keep their eye on the problem, and on ways of solving it."

Asked ultimately was it "a united Ireland or nothing," Mr. Hume said it depended on what one meant by unity. "All I am saying is what unity for me means—it means agreement on how we share the island. That is what unity actually means. Unity without agreement isn't unity at all, it's conquest and you are back to that. And what I am saying is that it is time for the representatives of the different traditions on this island to sit down together and decide how they're going to share this island, how they're going to protect their traditions in a manner that is satisfactory to both sides."

He went on; "Now that could be a hell of a long process of search, but that is the real search and that's the search we have got to be engaged in. It's easy to indulge in name calling, to say: 'Well, I don't trust you. The unionists don't trust me—fair enough, maybe I don't trust them. I don't have to trust them, and they don't have to trust me.'

"What I have to do is to trust myself and what they have to do is to trust themselves to represent their own people, anywhere, with anybody else, and come to a settlement that protects their own people. And I have to say precisely the same thing: whether I trust Ian Paisley or not is irrelevant. What is important is whether I trust myself to be able to deal with him and produce solutions that are acceptable to the people I represent, and he has to do the same thing."

Mr. Hume said that there was a role in the search for agreement for every section of the

Irish people that has got an elected mandate provided they come to the search on the same terms as everybody else, armed with only their own convictions and their ability to persuade, but not with guns or bombs.

Asked what this meant in terms of Sinn Fein's links with the IRA, Mr. Hume said: "You can't expect anyone to sit around a table with somebody who reserves the right to pull a gun if he doesn't get his own way."

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[From the Irish Times, Mar. 27, 1991]

JAMES MOLYNEAUX'S VIEW: "REGIONAL ADMINISTRATIVE ASSEMBLY MOOTED"

A regional administrative assembly with shared responsibility and its own mechanism for a relationship with the Republic and a select House of Commons Committee examining the situation in Northern Ireland, were among the possibilities for future progress in the North which the Official Unionist Party leader, Mr. James Molyneaux, considered when he was interviewed in February, 1989.

Mr. Molyneaux indicated that he would be favourably disposed to such suggestions which would include the creation of an external affairs committee dealing with the Government in the Republic. He would also favour a high-powered House of Commons Committee scrutinising Northern Ireland business and that henceforth all legislation for the North would be enacted by way of Bill, rather than order-in-council.

The DUP leader said if such offers were made by the British Government they would accept them, but equally that was what the Conservative Party should have put in place in 1972 when they abolished Stormont. "They should have then started to say, 'we have now removed Stormont and rather than leave a vacuum we are now going to govern Northern Ireland like the rest of the United Kingdom, or near enough'," he added.

Mr. Molyneaux said he was not opposed to the Anglo-Irish Agreement because it did not give unionists a position of dominance over Catholics: "I don't want to have a position of dominance over Roman Catholics. That may mean that I would have to make do with a level of government, and governmental mechanisms in Northern Ireland which didn't give the majority, as a majority, the entire influence in running the show."

He said he was not an integrationist any more than Enoch Powell was an integrationist, but people always wrongly assumed he wanted to run Northern Ireland like Surrey.

Mr. Molyneaux said that the Anglo-Irish Agreement could not survive because it was conclusively proven that it was unworkable, and "what's far worse had done hideous damage to the whole structure of Northern Ireland . . . If the shackles of the Anglo-Irish Agreement were removed then the Ulster people—and by that I meant mainly the majority, but the minority would have a part to play—will then take their rightful place in seeking to end the ancient quarrel which has plagued the two nations for far too long."

He said that in recent times there had been a reduction in insults and verbal bombardment between the politicians North and South, and a corresponding reduction in "the controversies and slagging matches between, for example, the three main parties, ourselves, the DUP and the SDLP". The deep-seated differences were still there but outside of the agreement the ill-feeling between North and South was being gradually reduced.

Mr. Molyneaux said that the British and Irish governments should go back before they launched on "this Exocet business of the Anglo-Irish Agreement" to the totality of relationships within these islands which was not, as Mr. Hume seemed to be indicating, a singular thing—as in the relationship within this island. The agreement had done terrible damage towards making closer and unique "the relationship between our two peoples".

Solid progress was being achieved towards that relationship, but the process would take years, and not just weeks and months, he continued. "What I am pointing to is . . . I suppose the term might be a British-Irish agreement, going much wider than the present agreement, and I have given certain indications of how that could be shaped and then when we got to that, and within that framework, then things could start happening with Northern Ireland itself."

Where Mr. Hume was going wrong was in focusing everything on the island of Ireland. "That simply is not real, that simply is not what it is all about." Asked if an agreement which was negotiated between the parties could be put in simultaneous referendums North and South as suggested by Mr. Hume, and if it was accepted North and South what would he have to lose in such a situation, Mr. Molyneaux replied: "Well, with great respect to Mr. Hume I can't understand that philosophy, and I can't see the validity of it."

"I can't see how you can have unified in one piece of land, just because it happens to be a self-contained island, people who regard themselves as Irish and other people who continue to regard themselves as British," he said. "How can you have a decision in some kind of agreement to share this island between British and Irish people other than the one we've got, which says the British will live broadly in Northern Ireland, and the Irish will live broadly in the South, with a large element of them admittedly in Northern Ireland. But that is the basic divide. That is the argument for two nations. It's an argument actually for the Border."

"The British and the Irish can live in the island, in opposite ends of the island, in a spirit of good neighborliness once the two nations, the two capitals if you like, have come to terms with each other, and have stopped getting in each others' hair. I think that is possible.

"But it comes back to that it is the British and the Irish co-existing in one island. It is not trying to say that, despite religious differences we are all Irish, nor is it true that if left alone we could work out how we are going to share the island. The stark fact is that I represent the British in Ireland, subject to the queen, who are going to go on regarding the queen as their sovereign, and they ideally want to live with their Southern neighbours who look to their President as the head of their State.

"And that is the only possible scenario, but there has got to be a movement away from that in the sense that they have got to do at ground level what I think we, the much maligned politicians, have done at a higher level, namely, we have managed to reduce the aggro and the slagging match between the opposite ends of the island."

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[From the Irish Times, Mar. 27, 1991]

PETER ROBINSON'S VIEW: "HOW COMMUNITIES CAN CO-EXIST A PRIORITY"

The first essential in any solution to the North's problems is to work out how the two communities can live together in Northern Ireland, the deputy leader of the Democratic Unionist Party, Mr. Peter Robinson, told Frank Millar when he was interviewed in March, 1989.

Once the communities have worked out how to co-exist, then attention could be turned to the unionist's relationship with the Republic and they could also "work out the relationship that the new structures that we agree on will have with the rest of the United Kingdom," said Mr. Robinson.

"In relation to the Irish Republic, I have to say that it has always been the view of the Unionist leadership—publicly identified by the two leaders who at present lead the unionist parties—that it is not the unionist community's aim to be at enmity with the Irish Republic," he said.

"It is not in our interest to have disagreement with those who live in a neighbouring country. Unionists want to be friends with the Irish Republic, but they do not want to be part of that family, and that is the distinction. I would have thought that if there are people of goodwill who want to have a close, harmonious, co-operative, working relationship between the people of Northern Ireland and of the Irish Republic, then we must do it on the basis of friendship rather than on the basis of people wanting to rule over us, claiming our jurisdiction, indicating that we in some ways will be the serfs, and they the masters."

Mr. Robinson said he wanted to make sure the Anglo-Irish Agreement was not the basis on which Northern Ireland existed in the future and he also spoke of his deep opposition to the Republic's territorial constitutional claim to Northern Ireland.

It was quite clear now that unionists could bring to the negotiating table proposals for an alternative to the Anglo-Irish Agreement. "Systems that we have operated in the past have failed us, we need to be a little more imaginative than that if we are to get a solution, if we are to overcome some of the difficulties that have existed in the past," he continued.

Asked if power were to be restored to Northern Ireland, would there be equal power for the SDLP? Mr. Robinson said that "not even the SDLP would expect those who obtain 19 per cent of the vote at elections to have an equal share with those who have significantly greater".

"I think that it would be wrong of anyone to attempt to get devolution in Northern Ireland and to sell the people short by not attempting to get the full range of powers which obviously would include powers in the security field. Those are matters which affect our people and it's very difficult to envisage how one can adequately deal with the other aspects of government without having control in the field of security."

Mr. Robinson refused to give specifics on what type of new structure the DUP would favour for Northern Ireland as one did not enter into negotiations by fully disclosing one's hand. But he would not accept any system that had been rejected in the past, and that included Sunningdale. "We are talking about something a little more innovative than that," he said.

"I don't think unionist interests are advanced by anything other than the removal of the Anglo-Irish Agreement. If we are referring to a package which would be brought in after the removal of the agreement, then there are certain things which are the rights of the people of Northern Ireland and the rights of their elected representatives in the House of Commons.

"They have every right to expect that there should be a procedure that allows their laws to be dealt with in the same way as laws for other parts of the United Kingdom. They have every right to expect that their

province might be administered in a way that has a greater degree of accountability than at the present exists. They have every right to expect that committees dealing with Northern Ireland matters should be set up just as there are committees dealing with the bread and butter issues for other parts of the United Kingdom.

"I don't see that as a privilege being bestowed upon me; that is something that we should have anyway, and I would have no objections to such reforms of Northern Ireland's business in the House of Commons, but that doesn't present to me something that is going to benefit greatly the people of Northern Ireland themselves. I believe that the remoteness between Northern Ireland and the seat of Government requires there be a system of government in Northern Ireland to deal with the important day-to-day issues."

## REMEMBERING CAPT. MANLEY LANIER "SONNY" CARTER

Mr. NUNN. Mr. President, as all of my colleagues know, one sees the full range of emotions on the floor of the Senate during our debates—pride, courage, concern, and sometimes even anger. This week the Chamber is filled with sorrow. This has been a hard week for the Senate. On Monday former Senator John Tower was laid to rest in his home State of Texas, and yesterday Pennsylvania sadly received Senator John Heinz back to his beloved State.

Today, Mr. President, the Nation mourns the loss of a third hero, Capt. Manley Lanier "Sonny" Carter, Jr. Sonny Carter was on the same flight as Senator John Tower that resulted in tragedy on April 5 in Brunswick, GA.

Sonny Carter was clearly an all-American hero. He was born in Macon, GA, and considered Georgia his home. Despite the tragic foreshortening of his brilliant career, Sonny Carter lived as full and as successful a life as one can live. He was a gifted medical doctor, a decorated naval aviator, and a talented astronaut.

Sonny Carter received both his bachelor of arts degree and doctorate of medicine from Emory University. After graduating from medical school in 1973, he entered the U.S. Navy and became a flight surgeon and a pilot. He pursued both careers successfully until he was selected in May 1984 by NASA to become an astronaut. He first flew in space on the STS-33 crew which launched successfully into space on November 22, 1989, on the space shuttle *Discovery*.

I recall his personal hospitality in Houston a number of years ago when he gave my son Brian and me a most enjoyable and informative tour of the Houston Space Flight Center.

At the time of his death he was preparing for an upcoming shuttle launch that would have carried the International Microgravity Laboratory into orbit.

To have such a brilliant career cut short only heightens our sense of loss. Yet I believe Sonny Carter's family can draw deep satisfaction to know that Sonny gave more to his country in his 17 years of service than most individuals give in their lifetime.

This afternoon the people of Georgia welcome Sonny back for the last time. His funeral services are being held at Warner Robins Air Force Base, which Sonny considered to be his home. The Nation has lost a truly great American. We extend our deepest sympathies to his wife Dana and his daughters Olivia and Meredith.

Mr. President, I ask unanimous consent that a statement I presented in the Senate at the time of his first shuttle mission be printed in the RECORD at this point, and that a copy of his résumé be printed in the RECORD.

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

[From the CONGRESSIONAL RECORD, Nov. 20, 1989]

CAPT. MANLEY L. "SONNY" CARTER

Mr. NUNN. Mr. President, with luck and hard work, the space shuttle *Discovery* will roar off into space later this week. Like all Americans, the people of Georgia are proud of the courage and dedication of all of America's astronauts. In the case of this shuttle mission, the people of Georgia are especially proud to have a son of Georgia serve as a mission specialist on the crew of the space shuttle.

Manley L. "Sonny" Carter, Jr., a captain in the U.S. Navy, was born, raised, and educated in Georgia. He was born in Macon and grew up in Warner Robins. He received his bachelor of arts degree in chemistry from Emory University and a degree in medicine from Emory University's School of Medicine. Even after assignments across the country as a naval officer, Sonny still calls Georgia home.

After medical school, Sonny joined the Navy and served as a flight surgeon with the Marine Corps and as the senior medical officer aboard the U.S.S. *Forrestal*. Besides being a gifted surgeon, Sonny is a skilled pilot. As a naval aviator, he logged over 2,400 flying hours and 160 carrier landings. In addition, he successfully completed the Navy's demanding training programs at the Top Gun Fighter Weapons School and the U.S. Naval Test Pilot School. As a Navy test pilot, Sonny was selected by NASA to serve in the shuttle program.

To Sonny's wife Dana, his two daughters, Olivia and Meredith, and to the families of the rest of the crew, our prayers and best wishes will go out to you when the mission begins this week. It is unfortunate that Sonny and the rest of the shuttle crew cannot be with their families on Thanksgiving Day. This is just one of the many sacrifices that the astronauts and their families make in order to serve our country.

And to the commander of the *Discovery*, Col. Frederick C. Gregory, Sonny Carter, and the rest of the shuttle crew, we wish you a safe flight and a successful mission.

Mr. President, I ask unanimous consent that an article from Emory magazine entitled "Your Basic American Hero" be inserted in the RECORD at this point.

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

YOUR BASIC AMERICAN HERO

(By Andrew W.M. Beierle)

The main entrance to the Lyndon B. Johnson Space Center angles off a neon-lined stretch of highway named NASA Road One in Clear Lake, Texas, some twenty miles south of Houston. Through the rain-streaked windshield of our rented sedan, the space center appears to be an unremarkable piece of real estate—a panorama of low, uniformly modern buildings nearly devoid of color or distinguishing features, set on flat, scrubby land. It has the feel of the campus of a community college built in the late sixties or early seventies. At the gate a lone security guard occupies a glassed-in enclosure similar to a turnpike tollbooth. I slow to a stop, and crank down the window.

"I'm supposed to meet Sonny Carter here," I say, assuming the guard knows each of the 100 active astronauts by name and will know who I'm talking about.

"He drives a Porsche" the guard asks.

Without thinking about it, without, in fact, realizing what I'm saying, I reply, "Yeah. He probably does." Besides me, photographer Ann Youngling laughs. I take it she knows what I mean.

I had never met Sonny Carter, had spoken to him only briefly the week before, and had never had occasion to speculate on his means of transportation, yet my instinctive response seemed entirely logical. At the age of forty-two, Manley Lanier Carter Jr., a graduate of both Emory College and the School of Medicine, has lived out the macho fantasies of many men—professional athlete, fighter pilot, test pilot, astronaut. What other kind of car could he possibly drive?

"He's waiting over there," the guard says, pointing to a parking lot on the left side of the road. We pull into the lot and get out of the car. In the weeks prior to my trip to Houston, I had talked to people who had known Carter at Emory—Associate Professor of Medicine Michael Lubin, who shared a first-year residency with him, and Professor of Medicine Kenneth Walker, who supervised his residency. Lubin and Walker, who supervised his residency. Lubin and Walker had said Carter would be courteous, friendly, smart, unassuming—deceptively casual for a someone who lives as intensely as he does.

Carter greets us warmly and refuses to take Youngling's place in the front seat of our small foreign car, folding himself instead into the cramped back seat. Sonny Carter is no Top Gun Tom Cruise, no raven-haired, jut-jawed jet jockey who masks his face behind mirrored aviator glasses. Yes, he is tan and lanky, as one might expect, but his brown hair is thinning and his lean, boyish face is brightened by an impish grin. Despite unpleasant weather—it is particularly gray and cold afternoon—he wears no jacket over his starched blue oxford cloth shirt.

For an hour or so, Carter takes us on a tour of the space center, affording us a close-up look at sights such as Mission Control that tourists see only from a distance, as well as off-limits areas they never see such as crew training facilities and even the private (but spartan) gym facilities reserved for astronauts. Eventually we make our way to a cafeteria where, over coffee and chocolate-chip cookies, we talk about his career.

To someone unfamiliar with Carter, his life might appear to be an effortless progression toward a pinacle of achievement at an early age. "Anybody could have done it, "he is wont to say. In fact, his success has been anything but effortless. Those who know him say he has pursued each of his goals with a

quiet determination that borders on relentlessness. He has at times been forced to make difficult choices: to accept an invitation to enter the United States Military Academy at West Point or follow the family tradition and enroll in Emory College: to continue his career as a professional athlete or abandon it in favor of completing his medical education, to maintain a medical practice as he engaged himself in an ever more rigorous flight training program or turn away from the profession he had spent nine years pursuing.

"Something always came along, and it seemed at the time it was the right thing to do," Carter says of his choices. "I thought each of them was worthwhile, and they all represented something more than just me doing it. . . .

"But my momma said it was just because I couldn't hold down a job."

Says longtime friend and fellow Emory alumnus David Short, now a Texas heart-transplant surgeon, "I admire him more than anybody I know, because he's chosen to do the right things in life and he's willing to make the sacrifices necessary to do them.

"He's an American hero, pardner."

As a boy in South Georgia in the early fifties, Carter thought little about space travel or flying. "I grew up in Warner Robins," he says. "There's a big air base out there, and I'd see airplanes all the time. They say that influences you, but I don't remember it influencing me. I thought airplanes were neat, but I never cared any about flying them until way much later."

What he did want was to become a doctor. His father worked as a pharmacist, and Carter had an inkling of what medicine was all about. He also was befriended by the family doctor, W.G. Talbert, who would drive Carter and his two sons to Athens on autumn weekends to see the University of Georgia Bulldogs play football.

"I knew Dr. Talbert was a nice guy, so I liked medicine from that point of view," he says. "I don't mean to sound too gee-whizzish, but I grew up thinking medicine was a great thing to do—to spend your life helping people. I've always liked helping people, and to me medicine was something where you help people on a very personal scale. You help them live, you deliver babies, you work on them if they've got a bad disease, keep them alive as long as you can. I thought that was good stuff."

It was Carter's mother, Elizabeth, who provided him with the inspiration to reach his goal. "My dad worked really hard, he worked all the time, so I wasn't around my dad so much. Mom was the most influential on me when I was growing up. She hoped a lot for me. She always made me think I could do whatever I undertook. I think she's had more influence on what I am today than anybody else.

"Ever since I was a little boy, my mother wanted me to go to Emory. My dad had been to Emory and his brother had been to Emory and my cousin had been to Emory. There are a lot of Carters in our family who have all been to Emory. So I went to Emory 'cause that was the only place to go—Harvard of the South, all that stuff. I had been accepted to West Point and decided not to go there. . . . In our family you wouldn't consider any other place unless they wouldn't let you go to Emory. So I tried to do the best I could, tried not to embarrass the family name."

At first Carter was afraid he might do just that. "I thought I was gonna go up to Emory and be a doctor and stuff, and when I took my first chemistry test I made a forty-five, a forty-five on my first test in college. I thought, 'Whoa, things have changed here. Maybe I'm not going to be a doctor after all. Maybe I'm not as smart as I think I am.' That was the truth. I was not as smart as I thought I was in high school. I was an average student at best. But I worked real hard, and I learned an incredible amount. I still think of Emory as a great place. And my education is what got me here. I would not be here unless I had been challenged at Emory. I think college develops you and leaves you with a challenge and prevents you from staying the same forever. It expands your horizons. That's what Emory did for me."

If it is true, as one sports-minded pundit said, that "athletics don't build character so much as they reveal it," it is possible to see in Sonny Carter's participation in sports a metaphor for his life. With no previous experience in the game, he became a valued member of the Emory soccer team and ultimately was drafted to play professionally. He succeeded not through some extraordinary skill but by dint of his determination. Likewise he has achieved in life far more than one might have expected from a small-town South Georgia boy, and he has done it in much the same way—with grit and tenacity.

"Until I went to Emory, I wasn't a big athlete of any kind," Carter says. "I'd played small-town sports and that kind of stuff, but I was never any good. I just lucked on to soccer."

Former Emory soccer coach Tom Johnson, however, calls Carter a "tremendous" athlete. "While he had a limited background, he was a very good player as a defender, an extremely intelligent player, and basically very, very tough," Johnson says. "I recall a story that to me really epitomizes his competitiveness and his commitment. We were going to Erskine [College] to play a match, and Sonny spent the whole trip vomiting in the bus restroom. He was almost totally wiped out. He couldn't eat anything prior to the game. But he went out and played the match, which finished in overtime. He played the entire match. He was so sick he almost had to be carried to the bus for the trip home. But he wouldn't have any part of not playing. I doubt seriously that you would find any athlete today who would commit himself to that kind of thing. . . .

"Sonny is, in my opinion, one of the most competitive individuals I have ever seen. I'm going to qualify that by saying he is one of the most positive or wholesome competitors that I've ever seen—very hard-nosed but committed to the team, and as far as I can remember a very fair competitor. He would do anything within the limits of the rules of the game to succeed individually and for the team. . . . If it meant running into a goalpost to win a game, he'd do it. He had that kind of dedication. He was totally unselfish, totally committed."

In 1970 the Atlanta Chiefs professional soccer team, in only its second year of play, selected Carter as a first-round draft choice. "Nobody at Emory had ever been drafted for anything. Ever," he says not with bravado but with a sense of astonishment. "The Chiefs were national champs the year before. They could pick whoever they wanted, and they picked me."

Johnson says Carter was not, in fact, a soccer superstar; he would not be a starter for the Chiefs. But he was selected because he was a developing player and, best of all, an American. Professional soccer was new to the United States, and American players were rare—perhaps three or four in the entire league. Until they drafted Carter, the Chiefs, a largely British team, had none.

"I think Atlanta wanted an American soccer player to draw a crowd, and I believe [having one] did," Carter says. "People would tell you they came to see the American play." The patriotic appeal of representing his country in a game dominated by foreigners was not lost on Carter. "It was something I could hardly turn down, even though I knew it would be tough."

But the decision to play for the Chiefs was not an easy one: Carter already had been accepted to medical school at Emory, and he did not want to abandon or even postpone his plans to beceome a doctor. "I talked to Coach Johnson, and he thought it was a great opportunity. So I went to Dr. Papageorge, Evangeline Papageorge, who was the [executive associate dean] at the medical school at the time, and asked her. And she said. 'That's fine,' but she reminded me that medicine was difficult and that the trouble she had seen with students who didn't make it through medical school was that they got behind in their studies. She told me that getting behind in your subjects was something I might not be able to tolerate if I tried to do both of these.

"So with her approval, and Coach Johnson's, I signed the contract. They paid me money to play soccer, which, I mean, was pretty incredible if you ask me. Here's somebody from South Georgia who'd never seen a soccer ball three years before, who was now being paid for it."

Carter's schedule was grueling. The Chiefs trained from January to March and competed from April to September. During the academic year he took classes during the day, practiced two or three hours with the team at night, and studied in the library until it closed. He would sleep for maybe four hours, rise at 6:30 a.m., and begin the cycle again. To avoid the appearance of special treatment, Carter would take as many of the tests as he could in advance of the rest of the class.

"There was a lot of studying. I took my books with me on all the plane trips. I'd take big physiology books and anatomy books and pathology books, and my teammates would be reading magazines and stuff and I'd be there bookin' on the flights. Sometimes we'd fly to Dallas and play on Friday, fly to Washington and play on Saturday, fly to Toronto and play on Sunday, so I didn't get that much sleep. I think if I had been able to, I would have been a stronger player."

During his third year in medical school, when clinical studies required his presence at Henry W. Grady Memorial Hospital, Carter would jog from the hospital to nearby Atlanta-Fulton County Stadium, practice with the Chiefs, run back to the hospital, shower, and return to work.

"I'd be pretty tired a lot of the time, but I tried to not let soccer interfere with my studying. I was fairly slow and methodical and plodding in my approach to things, so had I been smarter and more efficient I would have had more time. I wouldn't say I was physically exhausted, though sometimes I was very, very tired. But it was great fun, and I would have done it for no money."

As Carter began his final year of medical school in the fall of 1972, he realized the responsibilities of his clinical training would be too intense for him to continue playing soccer professionally while completing his medical education.

"All the things that you had book-learned the previous years you had to learn to apply

to patients. It wasn't just whether I knew [the material] or not—I had to use it on people, and I didn't want a patient not to have my best. . . . I recognized early that if you don't apply all your strength to medicine, somebody will pay the price and it will not be you. That was someting I couldn't live with. You don't practice medicine for yourself, or at least I never did. You practice medicine for your patients, and I didn't want them to pay the price. Plus, I was as good [at soccer] as I was going to be, which was average."

By the time Carter completed medical school in 1973, he had left behind any concerns he might have had about embarrassing the family name at Emory. His first disappointing test score eight years before notwithstanding, by graduation day he had been elected to Alpha Omega Alpha, the medical school equivalent of Phi Beta Kappa. In 1974, after completing an internal medicine internship at Grady Hospital, Carter joined the Navy and underwent training to become a flight surgeon.

"I thought everybody ought to serve the country, and I still do," he says. "That's just the way I was brought up."

Within three years he was selected for jet flight training and was posted to the aircraft carrier *Forrestal* in the Mediterranean Sea as senior medical officer. After completing additional training on F4 Phantom jets in March 1979, he returned to the *Forrestal*. Once again Carter found himself faced with a decision about which career path to follow, this time choosing between practicing medicine and continuing to fly.

"When I first started flying jets in the Navy, I took calls in the hospital as well as fly. I could see that you could be a competent doctor as well as fly on a regular schedule, but there wasn't enough time for me to be with my family. I knew I had to leave one of those things for a while, at the intense level, and I chose to leave medicine behind. The flying part I had to do. I knew I would come back to medicine later."

In 1982 Carter was selected for the rigorous and intensely selective fighter pilot training known as Top Gun, at the Marimar, California Naval Air Station. "The school is not exactly like the movie. You don't jump on a motorcycle and go out on the town every night. You're very tired at the end of the day." Carter was the first, and to date only, flight surgeon ever to graduate from Top Gun.

Within a year he was selected for the more elite—and more dangerous—training as a Navy test pilot. "I was going to be kind of a human engineer for the Navy testing unit, where you try to make man and machine interface better," he says. "I knew something about medicine and something about tactical aviation, so it was useful to the Navy, tactically and monetarily, to have me help them make better systems for the people that protect the nation. And I thought I'd be doing that for the next little while. I don't think I would be down here [at the space center] at all.

"I followed the space program, but I never thought I'd be a part of it. One day at test pilot school we were sitting around having lunch—test pilot school is really intense and lunch is a real rest period for an hour or so—and these guys came in with applications for astronaut training. I just said, 'Hey, can I make a copy of that.' So I made a copy and filled it out in pencil right there and turned it in. I didn't think I had much of a chance. I was flattered just to have my name on the list the Navy sent to NASA. After that I got a notice I had an interview down here. The interviews are a week long and it's great; the best part was that you got out of test pilot school for a week. Test pilot school is the world's biggest grind. It's much harder than medical school was."

The interviews went well. "I had a great time," Carters says. "But I thought that was the end of my contact with the space program. . . . I thought all the people in my interview group were much more qualified for this job than I was. I still think so.

"If I had to guess why I was selected over anyone else, I'd say it had something to do with medicine and something with aviation. Going to test pilot school's a big deal, and the space program is tied in closely with aircraft testing. That's what this is; a huge test program for space. Many of the people in the astronaut office have always come from the test pilot [ranks]. So aviation experience had a lot to do with it; I'd flown as a flight surgeon and as a pilot. There have been doctors before, but many more test pilots than doctors. I also think that down here they place some emphasis on demonstrated proficiency in different areas; not, say, in just one area, like if I'd only been a doctor. . . . But I've stopped thinking about it. I figured they just had the wrong person, misspelled the name."

The astronaut office occupies the top floor of a three-story building at the heart of the Johnson Space Center. On the gloomy Saturday afternoon we visit, it has the deserted air of a high school in the late afternoon after everyone else has gone home. At first I attribute that to the familiar narrow corridors, darkened now, and the institutional cinder-block construction of the interior walls, but then I realize it's not the walls themselves but what's on them: banners and blue and white balloons welcoming home the crew of the shuttle *Atlantis*, just back from NASA's second manned post-*Challenger* mission; posters of various flight crews, some defaced in a good-natured way with devil's horns and goatees; a variety of hand-lettered signs and drawings, many obviously made by children of astronauts and other space center employees. The place exudes the camaraderie and optimism of high school primed for a pep rally.

Carter's office, which he shares with two other astronauts, is decorated with photographs of British soccer teams and souvenirs from the Los Angeles Dodgers, his favorite baseball team.

"There's lots of fun stuff that goes on. We play all kinds of little jokes on one another," Carter says. "It's all harmless stuff, never anything malicious. It's fun and we do a lot of laughing, because there's a fair amount of time when we're serious. Nobody takes themselves too serious; very few do. But they all take their jobs very seriously."

When he's not actually training for his upcoming flight—he is scheduled to be aboard *Discovery* when it makes a classified Department of Defense mission November 19—Carter spends a good deal of time in conference. He often meets with engineers and is a member of the committee that evaluates the scientific merit of experiments involving humans in space. His job also includes some of the more mundane responsibilities the astronauts must shoulder—the excruciatingly precise and often dry calculations and analyses that form the largest part of their tenure with the space program.

"I think most people are surprised or frustrated when they ask me, 'Well, when are you going to fly? You've been down there five years.' Of course, this job is about flying and doing things in space for your country, but that's only part of it. . . . This job is about the nation's space program and not so much about us flying in space. You realize that after you're here if you didn't before . . . I seldom think about flying. In fact, it never bothered me. . . . You think about what you can do for mankind, because there's really nothing else to think about. You can't be selfish and be in this program. Those two are incompatible. They don't fit."

Carter says the loss of the *Challenger* hit the close-knit astronaut corps especially hard. "I think it took about a year or two for people [at NASA] to recover from thinking about it," he says. "Since the accident, NASA has done incredible amounts of work reviewing everything, more so than I think most people in America would ever imagine. That doesn't mean it's not still dangerous. It is. It is a rocket; it's not like a bus going into space. It is a *rocket*. . . ."

For Carter the loss of the *Challenger* and its crew was a deeply personal one. "They were all my friends," he says. "All those people were our friends. I knew all of them real well. In fact, I was the person who strapped them in the orbiter that day. I was the last . . ."

He doesn't finish the sentence, perhaps because it is too painful, perhaps because linking himself to America's fallen heroes might be misinterpreted as self-aggrandizement.

"Each crew who goes on a mission," he continues, "has somebody called a 'Cape Crusader,' an ASP—astronaut support person—who straps them into the orbiter and helps close the hatch. That astronaut is the last person to leave the pad. Well, 51-L was my crew. I was the person who greeted them. I was inside . . . when you saw them in the pictures going into the hatch. I was inside there, strapping them in. They were all my friends. And everybody was happy, just like for any launch day. They waited for that day, and I wait for that day. Launch day will be great. . . ."

Despite the *Challenger* tragedy and the renewed sense of danger, Carter's own enthusiasm for space flight remains undiminished; if anything, he is more committed to it than ever.

"If you've never seen the launch of an orbiter, it is something that will make you cry, because you cannot believe your country is capable of doing such a thing. . . . It reminds you of all the things you think about when you sing 'The Star Spangled Banner.' And that's the truth. . . .

"Losing friends happens all the time in [military] aviation. It's just that we in America never thought this would happen to [the space program] because we were so good at it. . . . I was very sorry that we had to lose those people, the orbiter, the trust of the nation . . . to have us understand once again, after years without an accident, who we are and what we represent for the nation."

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BIOGRAPHICAL DATA—LYNDON B. JOHNSON SPACE CENTER, HOUSTON, TX

Name: Manley Lanier "Sonny" Carter, Jr. (Captain, USN), NASA Astronaut.

Birthplace and date: Born August 15, 1947, in Macon, Georgia, but considers Warner Robins, Georgia, to be his hometown. His father, Manley L. Carter, Sr., and his mother, Elizabeth C. Carter, are deceased.

Physical description: Brown hair; blue eyes; height: 6 feet ½ inch; weight: 165 pounds.

Education: Graduated from Lanier High School, Macon, Georgia, in 1965; received a bachelor of arts degree in Chemistry from

Emory University in 1969, and a doctorate of Medicine from Emory University in 1973.

Marital status: Married to the former Dana Powell of Jacksonville, Florida. Her mother, Mrs. Sara Powell, resides in Jacksonville, Florida. Her father, Mr. John Powell, is deceased.

Children: Olivia Elizabeth, May 27, 1974; Meredith Corvette, December 3, 1976.

Recreational interests: He enjoys wrestling, golf, tennis, L.A. Dodger baseball, and old movies. Carter was a professional soccer player from 1970–73 for the Atlanta Chiefs of the NASL.

Organizations: Member of Sigma Delta Psi, Alpha Tau Omega, the Marine Corps Aviation Association, and SETP.

Special honors: Recipient of the Air Medal, Meritorious Service Medal, Navy Achievement Medal, Meritorious Unit Citation, Marine Corps Aviation Association Special Category Award 1982, NASA Meritorious Service Medal 1988, and NASA Space Flight Medal 1989. Carter was the Guest of Honor at the 215th Marine Corps Birthday Ball.

Experience: Carter graduated from medical school in June 1973 and completed a straight internal medicine internship at Grady Memorial Hospital in Atlanta, Georgia. In July 1974 he entered the U.S. Navy and completed flight surgeon school in Pensacola, Florida. After serving tours as a flight surgeon with the 1st and 3rd Marine Air Wings he returned to flight training in Beeville, Texas, and was designated a Naval Aviator in April 1978. He was assigned as the senior medical officer of USS Forrestal, and in March 1979 completed F–4 training at VMFAT–101 Marine Corps Air Station, Yuma, Arizona. He was subsequently reassigned as a fighter pilot to duty flying F–4 phantoms with Marine Fighter Attack Squadron 333 at MCAS Beaufort, South Carolina. In 1981 he completed a 9-month Mediterranean cruise aboard USS Forrestal with VMFA–115. In September 1982 he attended U.S. Navy Fighter Weapons School (TOPGUN) and then served as 2nd Marine Air Wing standardization officer and F–4 combat readiness evaluator at MCAS Cherry Point, North Carolina. He then attended the U.S. Naval Test Pilot School, graduating in June 1984. He has logged 3,000 flying hours and 160 carrier landings.

NASA experience: Selected by NASA in May 1984, Carter became an astronaut in June 1985, qualified for assignment as a mission specialist on future Space Shuttle flight crews. Carter was assigned as Extravehicular Activity (EVA) Representative for the Mission Development Branch of the Astronaut Office when selected to the crew of STS–33. The STS–33 crew launched, at night, from Kennedy Space Center, Florida, on November 22, 1989, aboard the Space Shuttle Discovery. The mission carried Department of Defense payloads and other secondary payloads. After 79 orbits of the earth, this five day mission concluded on November 27, 1989 with a hard surface landing on Runway 04 at Edwards Air Force Base, California. With the completion of his first mission, Carter has logged 120 hours in space.

Current assignment: Captain Carter is assigned as a mission specialist on the crew of STS–42, the first International Microgravity Laboratory (IML–1). Died 4/5/91 at Brunswick, GA in a commuter airline crash while representing NASA at a public appearance.

## BLAIR MISHOE: SOUTH CAROLINA TAKES PRIDE IN ITS PRIZE-WINNING VFW ESSAYIST

Mr. HOLLINGS. Mr. President, each year since World War II, the Veterans of Foreign Wars of the United States has sponsored the Voice of Democracy Broadcast Scriptwriting Contest, inviting high school students to write brief broadcast scripts on patriotic themes. A remarkable 138,000 students participated in this year's competition.

I join all South Carolinians in taking tremendous pride in the second-place finish of Blair Mishoe, a senior at Irmo High School in Columbia, SC. Blair is the latest in a long string of talented, award-winning students at Irmo High. Her winning performance in this year's VFW contest brings with it a $13,000 scholarship. She titled her superb essay "Democracy—the Vanguard of Freedom."

Mr. President, I ask unanimous consent that it be printed in the RECORD for all Americans to read and appreciate.

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

DEMOCRACY—THE VANGUARD OF FREEDOM

In 1958 the United States shot its Vanguard I into orbit. Highly technological for its time, the three-stage rocket was programed to radio vital information about space back to earth. The first stage shot the rocket to an altitude of thirty-eight miles; the second propelled it to greater height and speed; and the third stage of the rocket fired at an altitude of 300 miles, launching the satellite into orbit at a speed of 18,000 miles per hour. It was a triumph for America!

Nearly 200 years before, however, the United States had launched an even greater rocket—Democracy: The Vanguard of Freedom! On July 4, 1776, our founding fathers could not have known how the world would be changed by the spark they set off that day in Independence Hall.

The Declaration of Independence ignited the initial stage and sent Democracy on its historic voyage. The plan of these early Americans to form a new country was threatened by a more powerful nation. Nevertheless, rag-tag armies and loosely connected colonies, strengthened by familiar phrases such as "all men are created equal," "inalienable rights," and "life, liberty, and the pursuit of happiness," were able not only to endure, but also to prevail. Through the Revolutionary War, the dedication of people now referring to themselves as Americans showed Mother England that the blast created by the founding fathers in Philadelphia was powerful enough to carry the United States' rocket of Democracy on its way.

With the drafting of the Constitution, the second stage of the rocket was fired. Fueled by the Bill of Rights, the vanguard gained greater height and speed, reaching new frontiers and exploring territory that man had never imagined—freedom of speech, freedom of the press, freedom of religion, freedom of petition, freedom of assembly, the right to bear arms. Americans were astounded by the wonders that Democracy was revealing to them, and the world watched in awe. The rocket soared westward with the opening of new territories and new lands gained in the Mexican War, and state after state was added to the union. And on the opposite side of the continent, the force of democracy was still strong enough to hold the nation together in spite of a devastating Civil War. By 1912, forty-eight states made one united nation that could stand against the powers of the world. All that was left was a third blast to set the rocket of freedom into orbit.

That last came in the twentieth century with America's transformation from a new nation to a world power—a transformation brought about by victories in two World Wars. We were engaged in conflicts with some of the world's greatest powers—Germany, Japan, and Italy—and we emerged as the most powerful nation in the world!

Democracy: the Vanguard of Freedom continues its magnificent journey. Its path is watched by spectators around the globe who yearn to join the flight. In the past year, it has lit up the skies of East Germany, Romania, Poland, Czechoslovakia, and even Russia.

In 1956 and 1959, Nikita Khrushchev boasted that Russia would bury the United States and that the grandchildren of Americans then living would grow up under Communism. We are those grandchildren, and we are NOT growing up under that oppression. Instead, the grandchildren of Khrushchev's generation have rejected Communism and are demanding freedoms that Americans have always treasured.

The United States has come a long way since that day in Independence Hall. The ideals set forth by our founding fathers have developed into a spectacular show that can be seen only through the windows of a rocket that was launched over two hundred years ago. People all over the world continue to stare in awe at the freedoms that Americans enjoy. However, if our neighbors around the globe want to see more of our great progress, they had better be looking toward the stars.

## THE RURAL ELECTRIFICATION ADMINISTRATION AND THE FUTURE OF RURAL AMERICA

Mr. DASCHLE. Mr. President, the quality of life in rural America has made impressive gains in recent decades. Unfortunately, continued improvement is being threatened by the weakness of the agricultural economy and the continuing erosion of government support for the programs that have helped rural areas develop an infrastructure comparable to that of more densely populated areas.

One of the institutions that has played a critical role in rural development is the Rural Electrification Administration [REA]. The REA has been responsible for bringing electric and telephone service to hundreds of thousands of rural households. However, the REA's job is not yet finished. Our continued support is needed to ensure that the job of bringing electricity to rural areas is completed.

I recently received a letter from a telephone cooperative manager in South Dakota that offers excellent testimony to the accomplishments the REA has made and the tasks it has yet to accomplish. I ask unanimous consent that the full text of the letter be printed in the RECORD and commend it to my colleagues' attention.

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

SULLY BUTTES
TELEPHONE COOPERATIVE, INC.,
*Highmore, SD, Mar. 15, 1991.*

Senator TOM DASCHLE,
*Hart Senate Office Building,*
*Washington, DC.*

DEAR SENATOR DASCHLE. Recently, national and local news print media have run several articles and editorials of a negative nature featuring the Rural Electrification Administration (REA) and its telephone loan programs. Sully Buttes Telephone Cooperative, Inc. is an REA borrower and as such believes you understand why the telephone loan programs remain so essential to the future well being of communities throughout rural America.

The REA and its telephone loan programs were formed for the purpose of helping to bring telecommunications service to the nation's underserved rural areas. It is much easier to understand this need when one realizes that rural subscribers of REA borrower systems currently account for only about 4.3 percent of the total telephone subscribers in the United States, though their service areas total nearly 1.3 million square miles or about 37 percent of the land area of the nation. In other words, the rural service areas of REA borrowers, on average, have a subscriber density of only about 6 consumers per mile of line, compared to nonborrowers which average 130 consumers per mile of line.

With the facts above in mind, it is not difficult to understand how costly the provision of rural telephone service is. In fact, by way of an example, consider that in 1989 the average REA borrower had a total investment in telephone plant per subscriber of $2,429. But that is only the average. Borrowers in many states averaged far higher investments per subscriber, e.g., New Mexico—$8,504; Montana—$5,069; and Utah—$4,388. With costs like these there should be no doubt as to the validity of the need for the programs' continued existence.

Cooperative and commercial telephone systems that evolved through the use of REA financing have played an essential role in ensuring the import rural link of our national universal telecommunications service objective is in place. It is important to never lose sight of the fact that the benefits of the REA telephone loan program accrue to our rural telephone subscribers and their communities as a whole, in the form of modern affordable telecommunications service. Today REA borrowers serve nearly 5 million subscribers of 97 percent of rural households—an accomplishment that has led to the creation of hundreds of thousands of jobs, not to mention the nearly 30,000 among REA borrowers.

Despite the successes that have emerged from the partnership between REA and its borrowers, the mission of the agency and its lending programs has not yet been fulfilled. Today, nearly 2 million rural residents remain without the most basic form of telecommunications service. Of those who are "hooked up", 5 percent are still subjected to party-line service, on two, four, and even eight party lines.

In addition, we rural Americans continue to struggle toward revitalization of our economy and in light of the fact that Congress as well as the President have indicated that telecommunications enhancement is a large part of such redevelopment, the need for capital finance such technological upgrading is greater than ever.

The legislative history associated with the REA telephone loan programs is long and clear in reaffirming the intent of Congress, that REA telephone loans should be made on an area coverage basis. In other words, company wealth does not determine who may participate, but subscriber need does. This fundamental principal was a driving force in the initiative to include REA program improvements in the 1990 farm bill that became law last Fall. This legislative package and similar initiatives have been necessary to thwart attempts by the programs' detractors to subvert the intent of Congress by making the programs unworkable or unattractive to potential borrowers.

If ever there were a success story surrounding a federal program, it would have to be that associated with the REA telephone loan programs. Never once in the history of that telephone program has a default been registered. That's something we can all be proud of!

Sully Buttes Telephone Cooperative, Inc. would like to thank you for your past support and we hope you will continue your efforts to maintain the REA telephone loan programs which are directly responsible for the quality of service we have been able to provide to our rural subscribers.

Sincerely,

JAMES E. NIELSON,
*Manager.*

## COMMEMORATION OF HOLOCAUST MEMORIAL DAY

Mr. CRANSTON. Mr. President, I rise today to commemorate Holocaust Memorial Day, a day that has been set aside to remember the atrocities committed during World War II. On this day we renew our pledge that such horrors must never happen again.

It has been almost 50 years since the brutal and senseless tragedy of the Holocaust was brought to the attention of the American people. As a journalist in Europe in the 1930's, I had the unhappy misfortune to see first-hand the beginnings of the terrible crimes perpetrated by the Nazis against so many innocent peoples.

Over 6 million Jews, countless Gypsies, homosexuals, and dissidents perished to fulfill Hitler's insidious plan. Reports of these horrors are shocking—and sickening. The Holocaust deeply seared the soul of mankind.

Today, the Holocaust is more than a tragic episode in history; it remains a very real part of our national consciousness.

Mr. President, regrettably, the existence of genocide did not remain buried in the ashes of World War II. The international community has been witness to similar atrocities throughout the postwar years—in the Soviet Union under Josef Stalin's reign of terror; in the Chinese annexation of Tibet; in Nigeria during the 1960's; and in Cambodia under the rule of the brutal Khmer Rouge despot, Pol Pot.

And today, we see a repetition of a tragic scene in Iraq, with the defenseless Kurdish population once again the victims of a calculated and systematic campaign of terror and suffering by the Brute of Baghdad.

Mr. President, our commemoration of the Holocaust stands as a constant reminder of the work yet to be done. We have pledged never to allow another Holocaust. It is time to make good that pledge. Once again, I urge my colleagues to reaffirm the U.S. commitment to establishing an international order based on respect for human rights and international law. Let us work now so that future generations can live without such horrors; let us work to finally bury the senseless tragedy of genocide.

The PRESIDING OFFICER. The majority leader is recognized.

## FUTURES TRADING PRACTICES ACT

Mr. MITCHELL. Mr. President, over the past several weeks up to and including earlier today, I have indicated my intention to seek consent to permit the Senate to begin consideration of the Commodity Futures Trading Commission legislation, and pursuant to my earlier indication, I will do that shortly. I understand objection will be made to the request for unanimous consent to proceed, in which event it is my intention to move to proceed to that matter. As we all know, under Senate rules that motion will be debatable. Then we will see where we go from there in terms of getting to this legislation.

So, Mr. President, accordingly, at this time I ask unanimous consent that the Senate proceeds to the consideration of Calendar Order No. 38, S. 207, a bill to amend the Commodity Exchange Act.

Mr. BOND. Mr. President, I must object to that unanimous-consent request. We have finished today a number of eulogies for our dear friend John Heinz. He was deeply involved in the work on this measure and felt very strongly about it. I had hoped the Senate would not proceed this week. We know it is vitally important legislation, but I must, as a fellow member of the Banking Committee, object to taking this matter up for consideration this week prior to the final services for the Senator from Pennsylvania.

The PRESIDING OFFICER. Objection has been heard.

Mr. MITCHELL. Mr. President, I appreciate the Senator's objection. I want to make clear that I have participated with other Senators in paying our respects to Senator Heinz and the person responsible for the Senate not being in session either yesterday or tomorrow for the purpose of attending his services. But this is a bill that is important. I have attempted to bring it before the Senate for over 2 years, and at each stage in the process someone has had some kind of objection to it. I

announced weeks ago that we would attempt to proceed to the bill on Tuesday. Out of deference to Senator Heinz's passing, I did not do so, and I understand the Senator's objection. I just want to make it clear that I hope there is no suggestion that trying to consider the bill today is some reflection on Senator Heinz or in disrespect for him or his memory. So I hope that we can get the bill considered on its merits. Therefore, Mr. President, I will do what I can to get the bill before the Senate. The Senator and other Senators have their rights, of course, under the rules to delay that, and we will seek to deal with that as it arises. Accordingly, I now move that the Senate proceed to the consideration of S. 207.

The PRESIDING OFFICER. The majority leader has made his motion.

Mr. BOND. Mr. President, on behalf of myself and others, I object to that motion. I say to the majority leader we are deeply grateful for the courtesies he has extended to all of us and to the Heinz family. I for one intend to be fully ready to proceed to a discussion of the merits of this measure next week. I have sought for many months, as has the majority leader, in seeking to expedite consideration of this vitally important measure.

As a member of the Agriculture Committee who fought last Congress for——

Mr. MITCHELL. Mr. President, if I might say in response to the Senator's comment, the only basis for the objection was Senator Heinz's passing. The Senator expressed a willingness to deal with it. I am prepared to say to the Senator right now, if that is the only reason for the objection, we could lay down the bill right now, have an agreement that we would do nothing on it, come back next Tuesday morning at 10'clock and be on the bill and start voting on it. That would accommodate the Senator's objection and permit us to proceed to the bill.

The PRESIDING OFFICER. Is there objection? The Senator from Missouri.

Mr. BOND. Mr. President, I reserve the right to object. There has been scheduled in the Banking Committee a hearing on this measure next Tuesday morning, so at this juncture it is my belief that other members of the Banking Committee would want to have the option to hear from Chairman Greenspan and the other regulators who will be before the Banking Committee next Tuesday morning to hear their comments on the Agriculture Committee's draft. I think it is quite possible that we would be able to discuss with the chairman and ranking member and others who are interested an agreement to move forward on the bill Tuesday afternoon. But I believe all of us, at least in the Banking Committee, who have a great interest in this measure will be in a hearing to get the word from the experts on the matter on Tuesday morning.

Mr. MITCHELL. Mr. President, to further accommodate this, I am prepared to suggest this. Why do not we then lay the bill down on Monday just for purposes of discussion, permit the Banking Committee to have their hearing on Tuesday morning, then be ready to go on this bill, and vote on it Tuesday at 2:15 right after the party caucuses. That is further effort to accommodate the Senator from Missouri and others on this bill. Would that be agreeable to those on this bill?

Mr. BOND. Mr. President, I cannot speak for the chairman of the committee or the ranking member. I would have to, I think, certainly confer with them and receive their input on it.

From my personal standpoint, I am anxious to get started on this bill. We have significantly changed legislative language which we only just received and are in the process of getting information from the regulators. We feel it is a vitally important measure for the confidence of the futures markets and for their effective regulation. It is also important for the financial markets as well.

I would like the opportunity to hear from the chairman and ranking member of the Banking Committee, but for my part I have no objection to any arrangement that the majority leader may wish to make for proceeding on the bill tomorrow. I ask if we could give some time to find out from them when they would be ready to go forward.

Mr. MITCHELL. Mr. President, just to make clear, I did not propose taking it up tomorrow. We will not be in session tomorrow out of deference to the Senator Heinz memorial service.

I proposed taking it up on Monday for purposes of laying the bill down and permitting the discussion to occur, then going over until Tuesday afternoon to accommodate the Banking Committee, with the understanding that at 2:15 on Tuesday we would be on the bill, proceeding, and voting on amendments.

Obviously, whatever information is available to members of the Banking Committee ought to be made available to all Members of the Senate. I have not prejudged it. I have not decided on how I will vote on it. We have been, for a couple of years, trying to get this bill up. Every time it happens someone has an objection for some reason or other. I want to make clear my intention to get this bill up, proceeding, and voting at the earliest possible opportunity.

The objection as stated was limited solely to deference to Senator Heinz. If that is the only basis for the objection, it could be accommodated by agreeing to the proposal which I have now made.

Mr. BOND. Mr. President, I might say as well that there is, I believe, objection from other members of the Banking Committee as well to proceeding with the measure prior to the hearing on Tuesday.

For the information of our colleagues, we have worked on this for many many months. And the measure which came out of the Agriculture Committee was much different from the measure agreed to last fall and introduced this year. This is the first opportunity that the Banking Committee will have to hear testimony from regulators in the affected area about the impact of this measure, on a broad range of financial markets and instruments.

So, while I raise the objection in terms of respect for my colleague, I believe there are other objections as well. But I will do my best to assure that we get on track as quickly as possible.

Mr. MITCHELL. I thank my colleague. Mr. President, I merely wanted to make the point, and I think it has now been made, that the objection, while made in behalf to deference to Senator Heinz by the Senator from Missouri, is not the only basis for objecting. And in fact it seems clear were Senator Heinz now seated at his desk there would still be objection to this. We will have to proceed and deal with it as best we can.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from Vermont.

Mr. LEAHY. Mr. President, S. 207, the Futures Trading Practices Act of 1991, is the toughest futures reform package reported to this Chamber in decades—and is one of the most critical white-collar crime proposals we will address this year. Last month, it was reported unanimously from the Committee on Agriculture, Nutrition, and Forestry.

The fact that today, after 2½ years of work on this bill, the Senate is first debating whether to proceed to consideration on the measure, is an outrage and an absurdity to American consumers, producers, and market users.

In January 1989, Congress faced an unprecedented crisis of confidence in our commodity futures markets. We learned that the FBI had conducted a major undercover sting operation aimed at the Nation's two largest futures exchanges in Chicago. That investigation resulted in indictments against 48 Chicago traders on charges of fraud and racketeering; 32 of those traders have so far been convicted or pled guilty.

That same summer, an emergency in the Chicago soybean market raised a storm of concern among farm producers.

Congress responded promptly and effectively to the crisis. Strong medicine was needed for the futures trading pits: tighter enforcement by a toughened CFTC; better audit trails; stricter policing by the exchanges; and more public involvement in exchange decisions.

We were well on our way to passing these reforms in late 1989. The Senate Agriculture Committee unanimously reported a trading practice bill in November 1989. The full House of Representatives had passed its version of the bill unanimously in September 1989.

The momentum for reform was strong. Then, suddenly, the music stopped: the process ground to a halt. No, the culprit was not the Chicago futures markets blocking change. The sand in the gears came from a different direction.

Final action on trading practice reform was blocked last year by a battle launched by the Treasury Department, the Securities and Exchange Commission, and their supporters on Wall Street over whether to shift jurisdiction for stock-index futures contracts from the CFTC to the Securities and Exchange Commission—a debate stemming most recently from the violent stock market price breaks of October 1987 and October 1989 and from the introduction of certain new financial instruments: index participations, swaps, "hybrids," and others.

Mr. President, I did not want this jurisdiction fight. I urged Treasury Secretary Nick Brady last year to separate it from the urgently needed futures trading reforms in S. 207, but Secretary Brady insisted that the two issues be treated at the same time.

The result has been an 18-month legislative stalemate.

Every time we tried to bring this bill to the floor last year, we were blocked. The CFTC bill became like a ping-pong ball—whichever side felt it lacked the votes on jurisdiction would tangle the bill with parliamentary holds.

At one time, I was highly tempted to play this game too and put holds on important stock market reform legislation developed by my colleagues on the Banking Committee. But I felt that the need for reform in U.S. securities laws in light of the record of Boesky, Milken, and junk bonds was just too urgent.

In order to break this log-jam, I joined last fall with Senator LUGAR, Senator DODD, Senator BOND, and Senator Heinz in what we hoped would provide an honorable compromise to end his conflict. The product we came up with was a responsible, finely tuned proposal that I was proud to introduce this year as the original title III in S. 207.

Unfortunately, when the Agriculture Committee held public hearings on the bill in February, both sides of the issue opposed our compromise—even the securities markets who had the most to gain under it. The legislative history from the hearings became so littered with negative claims and counterclaims about the bill as to create a bonanza for any lawyer wanting to challenge it in court. As a practical matter, the compromise became untenable.

Still, the Agriculture Committee recognized the need to address two key issues central to the jurisdictional debate:

First, margin oversight for stock-index futures contracts; and

Second, regulatory treatment of new products.

To do this, at markup, we adopted a new compromise worked out between Treasury Secretary Brady and CFTC Chairman Wendy Gramm. This proposal—which was debated at two public hearings before our committee and is now contained in title III of the bill—significantly rolls back CFTC jurisdiction over hybrid financial products. Among other things, the provision—

First, gives the Federal Reserve Board authority over margins on stock-index futures contracts;

Second, requires the CFTC to exempt swaps and certain bank products from its regulatory framework; and

Third, permits currently proposed index participations to trade on stock exchanges—even though a Federal appeals court has ruled these to be futures contracts under the exclusive authority of the CFTC.

Mr. President, since the Agriculture Committee markup last month, charges have been leveled that the language in S. 207 contains some kind of sneak attack by the CFTC on the SEC's jurisdiction—that, for instance, it moves authority for the $3 trillion securities index option market to the CFTC.

These claims, and many others like them, are groundless and reflect the level of distrust created after 18 months of fighting on this issue.

To settle these questions once and for all, the committee turned again to the experts, the CFTC and the Treasury Department. Over the past month, these agencies have negotiated and conferred with representatives of the affected industries. This week, they provided us with technical revisions which Senator LUGAR and I will lay before the Senate as a committee modification to this bill.

This new language addresses the concerns of the swaps industry and much of the securities industry as well.

Now the decision is up to the Senate. Shall we proceed to debate futures market reform, or shall we delay the process again indefinitely? To me, the questions boils down to this: U.S. financial markets will remain at risk from trading abuse and sagging confidence until the reforms in S. 207 become law. Are we willing to run the risk for another scandal or emergency in the financial markets while we spin our wheels debating jurisdiction?

It is time to break the log jam over this bill and settle the issues one way or the other. If any Senator is not satisfied with the work of the Agriculture Committee on this bill, let him come forward with amendments so we can vote them up or down. No faction should be allowed to prevent a fair and open debate on S. 207.

As I said at the outset, a vote for S. 207 is a vote for economic stability and financial integrity, and a vote against white collar crime. I urge my colleagues to support the legislation.

Mr. President, I ask unanimous consent that certain items representing legislative history of the committee modification be printed in the RECORD at this point. These include: First, the text of the modification; second, a letter of transmittal from CFTC Chairman Gramm; third, a statement regarding certain aspects of title III of S. 207; fourth, an explanation of technical and conforming amendments to title III of S. 207; and fifth, a series of examples on the CFTC predominant purpose test for hybrid instruments.

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

AMENDMENT TO S. 270

Beginning on page 159, strike line 4 and all that follows through page 168, line 11, and insert the following new title:

TITLE III—INTERMARKET COORDINATION

**SEC. 301. MARGIN ON STOCK INDEX FUTURES.**

Section 2(a)(1)(B) (7 U.S.C. 2a) is amended by adding at the end the following new clause:

"(vi)(I) Notwithstanding any other provision of this Act, any contract market in a stock index futures contract (or option thereon) shall file with the Board of Governors of the Federal Reserve System any rule establishing or changing the levels of margin (initial and maintenance) for the stock index futures contract (or option thereon).

"(II) The board may at any time request any contract market to set the margin for any stock index futures contract (or option thereon) at such levels as the Board in its judgment determines are appropriate to preserve the financial integrity of the contract market or its clearing system or to prevent systemic risk. If the contract market fails to do so within the time specified by the Board in its request, the Board may direct the contract market to alter or supplement the rules of the contract market as specified in the request.

"(III) Subject to such conditions as the Board may determine, the Board may delegate any or all of its authority under this clause only to the Commission.

"(IV) Nothing in this clause shall supersede or limit the authority granted to the Commission in section 8a(9) to direct a contract market, on finding an emergency to exist, to raise temporary emergency margin levels on any futures contract or option on the contract covered by this clause.

"(V) Any action taken by the Board under this clause directing a contract market to alter or supplement a contract market rule shall be subject to review only in the Court of Appeals where the party seeking review resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit. The review shall be based on the examination of all information before the Board at the time the

determination was made. The court reviewing the Board's action shall not enter a stay or order of mandamus unless the court has determined, after notice and a hearing before a panel of the court, that the agency action complained of was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.".

**SEC. 302. EXEMPTIVE AUTHORITY.**

Section 4 (7 U.S.C. 6) is amended—

(1) in subsection (a), by striking "It shall be unlawful" and inserting "Unless exempted by the Commission pursuant to subsection (c) or (d), it shall be unlawful"; and

(2) by adding at the end the following new subsections:

"(c)(1) In order to promote responsible economic or financial innovation and fair competition, the Commission by rule, regulation, or order, may (on application of any person) exempt any agreement, contract, or transaction (or classes thereof) otherwise subject to subsection (a) (including any person or class of persons offering, entering into, rendering advice or rendering other services with respect to, the agreement, contract, or transaction), either unconditionally or on stated terms or conditions or for stated periods, from any of the requirements of subsection (a), or from any other provision of this Act except section 2(a)(1)(B), if the Commission determines, after notice and opportunity for hearing, that the exemption would be consistent with the public interest.

"(2) The Commission shall not grant any exemption under paragraph (1) from any of the requirements of subsection (a) unless the person seeking the exemption demonstrates to the satisfaction of the Commission that—

"(A) the requirement should not be applied to the agreement, contract, or transaction for which the exemption is sought and that the exemption would be consistent with the public interest and the purposes of this Act; and

"(B) the agreement, contract, or transaction—

"(i) will be entered into solely between institutional participants;

"(ii) will be entered into in connection with a line of business or for hedging or risk management purposes; and

"(iii) will not have a material adverse effect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory duties under this Act.

"(3) For purposes of this subsection, the term 'institutional participant' shall be limited to the following persons or classes thereof that the Commission determines have the financial and other qualifications adequate to fulfill the terms and conditions of the agreement, contract, or transaction:

"(A) A bank or trust company (acting in an individual or fiduciary capacity).

"(B) A savings and loan institution.

"(C) An insurance company.

"(D) A registered investment company under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).

"(E) A commodity pool subject to regulation under this Act.

"(F) A corporation, partnership, proprietorship, organization, trust, or other business entity with a net worth exceeding $1,000,000 or total assets exceeding $5,000,000, or the obligations of which under the agreement, contract, or transaction are guaranteed or otherwise supported by a letter of credit or keepwell, support, or other agreement by any such entity or by an entity referred to in subparagraph (A), (B), (C), (H), (I), or (K).

"(G) An employee benefit plan with assets exceeding $1,000,000, or whose investment decisions are made by a bank, trust company, insurance company, investment adviser registered under the Investment Advisers Act of 1940 (15 U.S.C. 80a-I et seq.), or a commodity trading advisor registered under this Act.

"(H) If otherwise authorized to engage in such transactions by law, any governmental entity (including the United States, any State, or any foreign government) or political subdivision thereof, or any multinational or supranational entity or any instrumentality, agency, or department of any of the foregoing.

"(I) A broker-dealer registered under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) acting on its own behalf or on behalf of another institutional participant.

"(J) A futures commission merchant, floor broker, or floor trader registered under this Act acting on its own behalf or on behalf of another institutional participant.

"(K) Such other persons that the Commission determines have such financial and other qualifications.

"(d)(1) To the extent that a swap agreement or class of swap agreements (as defined in section 101 of title 11, United States Code) may be considered to be subject to regulation under this Act, the Commission shall, by rule, regulation, or order, following notice and an opportunity for a hearing, exempt (effective as of October 23, 1974) from all of the prohibitions and requirements of this Act, including section 2(a)(1)(B), such swap agreement or class of swap agreements if—

"(A) the Commission determines that the exemption is consistent with the public interest;

"(B) each party to the swap agreement is a person included in one of the categories specifically enumerated in subparagraphs (A) through (K) of subsection (c)(3) at the time it enters into the swap agreement;

"(C) the creditworthiness of any party having an actual or potential future obligation under the swap agreement would be a material consideration in entering into or determining the terms, including pricing, cost or credit enhancement terms, of the swap agreement; and

"(D) the swap agreement is not one of a fungible class of agreements that is standardized as to its material economic terms and is not entered into and traded on or through a multilateral transaction execution facility: *Provided, however*, That the foregoing shall not be deemed to preclude any arrangement or facility, between and among parties to swap agreements, that provides for netting of payment obligations resulting from such swap agreements.

"(2) To the extent that any demand deposit, time deposit, or transaction account (as defined in subsections (b)(1), (c)(1), and (e), respectively, of section 204.2 of title 12, Code of Federal Regulations (as in effect on the date of enactment of this subsection) whether indexed or otherwise, may be considered to be subject to regulation under this Act, the Commission shall, by rule, regulation, or order, following notice and an opportunity for a hearing, exempt from all prohibitions and requirements of this Act, including section 2(a)(1)(B), any such deposit or account if—

"(A) the deposit or account is offered by—

"(i) a United States financial institution that is insured by a Untied States governmental agency or United States chartered corporation; or

"(ii) a United States branch or agency of a foreign bank that is licensed under the laws of the United States and regulated, supervised, and examined by United States Federal authorities having regulatory responsibilities for the financial institutions or under the laws of any State and regulated, supervised, and examined by State authorities providing regulatory supervision comparable to that provided by United States banking authorities, and the regulators oversee the financial integrity and customer protection of the deposits; and

"(B) the Commission determines that the exemption would not be contrary to the public interest.

"(e) The granting of an exemption under this section shall not affect the authority of the Commission under any other provision of this Act to conduct investigations in order to determine compliance with the requirements or conditions of such exemption or to take enforcement action for any violation of any provision of this Act or any rule, regulation or order thereunder caused by the failure to comply with or satisfy such conditions or requirements.".

**SEC. 303. HYBRID COMMODITY INSTRUMENTS.**

Section 4c (7 U.S.C. 6c) (as amended by section 203(a) of this Act) is further amended by adding at the end the following new subsection:

"(h)(1) Nothing in this Act shall be considered to govern or in any way be applicable to any transaction in or involving an instrument which meets the following requirements:

"(A) To the extent that an instrument has an embedded or otherwise attached commodity option, the instrument derives less than 50 percent of its value at the date of issuance from the value of the commodity option; and

"(B) To the extent that an instrument has an embedded or otherwise attached contract of sale or a commodity for future delivery, on the date of issuance, it is expected that less than 50 percent of the value gained from and payable on the instrument will be due to movement in the price of the commodity or commodities specified in the instrument or in the terms and conditions of the transaction pursuant to which the instrument was issued.

This subsection shall not affect any other exclusion or exemption from this Act, of any transaction, including exemptions granted by any rule, regulation or order of the Commission.

"(2) Except as provided in paragraph (1), nothing in this subsection shall affect the jurisdiction granted to the Commission over any transaction under this Act.".

**SEC. 304. INDEX PARTICIPATIONS.**

Subsection (f) of section 4c (7 U.S.C. 6c(f)) is amended to read as follows:

"(f)(1) Nothing in this Act shall be considered to govern or in any way be applicable to any transaction in an option on foreign currency traded on a national securities exchange.

"(2) Nothing in this Act shall be considered to govern or in any way be applicable to any contract traded on a national securities exchange whereby any party to the contract acquires any interest in a stock index participation unit approved for trading by the Securities and Exchange Commission by order dated April 11, 1989, or pending such approval on or prior to December 31, 1990.

"(3) The Commission shall utilize its authority under this Act to facilitate the registration of any person who is a person associated with a broker or dealer, or an associated person of a broker or dealer (as defined in section 3(a)(18) of the Securities Exchange

Act of 1934 (15 U.S.C. 78c(a)(18)) for the purposes of marketing stock index futures (or options thereon) to the public.".

COMMODITY FUTURES TRADING COMMISSION
*Washington, DC, April 9, 1991.*

Hon. PATRICK LEAHY,
*Chairman, Committee on Agriculture, U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR CHAIRMAN LEAHY: As you are aware, numerous discussions have occurred in recent weeks between the Department of the Treasury, the Federal Reserve Board, the Commodity Futures Trading Commission, and representatives of the securities and futures industries. These discussions have been aimed at clarifying and conforming our mutual intent regarding Title III of S. 207, the Futures Trading Practices Act of 1991, as reported by the Committee on March 6, 1991.

In accordance with the agreement, I am transmitting to you proposed technical statutory changes to effectuate the agreement reached at the Committee's mark-up. Also enclosed is an explanation of the changes, as well as a statement agreed to between the CFTC and the Department of the Treasury that clarifies our mutual understanding of certain aspects of Title III. The technical changes to the provisions of Title III will ensure the Administration's support for S. 207 and make unnecessary further amendments to Title III. In brief, the changes are designed to assure that:

The "swaps" market will continue to develop in a competitive and innovative environment while permitting swaps dealers to reduce risk through certain margining and payment-netting arrangements.

Exemptions from all requirements of the Commodity Exchange Act will be issued for commodity-indexed deposits in insured banks if the exemptions are not contrary to the public interest.

The new "predominant purpose" test will clarify, not expand, the scope of the CFTC's jurisdiction, and will not alter any other agency's jurisdictional boundaries.

Title III of S. 207, as proposed to be amended, is significant because it will put an end to the regulatory disputes which have delayed passage of CFTC reauthorization legislation since 1989. It achieves long-standing Administration goals of providing more Federal oversight over margins for stock index futures and options, and removing regulatory uncertainties related to the development of new and innovative financial instruments. Finally, it seeks to preserve the existing jurisdictions of the regulators, while providing a more objective determination of where new hybrid products will be regulated in the future.

Your cooperation and support for the clarification of our views has been essential to the successful conclusion of this lengthy debate. Your continued support in ensuring the Senate's adoption of these changes is appreciated.

Sincerely,

WENDY L. GRAMM,
*Chairman.*

STATEMENT REGARDING CERTAIN ASPECTS OF TITLE III OF S. 207, AS REPORTED BY THE SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY ON MARCH 6, 1991

As reported by the Committee, Title III amends the Commodity Exchange Act (1) to provide new margin authority in the federal government over margins on stock index futures and options, (2) to grant the CFTC new exemptive authority over futures products, swap agreements and deposits in insured banks, (3) to exclude from the Act certain hybrid commodity instruments and (4) to exclude certain index participation products from the Act and to direct the CFTC to facilitate the registration of associated persons of securities broker/dealers to offer stock index futures and options to the public.

Title III of S. 207 does not affect the exclusions from the Commodity Exchange Act of products subject to the jurisdiction of the SEC referred to in Section 2(a)(1)(B) or 4c(f) of the Commodity Exchange Act. Thus, Title III does not grant the CFTC authority, or alter existing SEC jurisdiction, over transactions in securities based on the value of a security, as defined in section 2(1) of the Securities Act of 1933 or section 3(a)(10) of the Securities Exchange Act of 1934. An example of such a transaction could include a security whose value is tied to the price of the common stock of a particular Fortune 500 company. In addition Title III does not grant the CFTC authority, or alter existing SEC jurisdiction, over securities based on the financial performance or productivity of a single issuer (as defined in section 2(4) of the Securities Act of 1933 or section 3(a)(8) of the Securities Exchange Act of 1934). An example could include a security whose value is tied to the revenue of a manufacturer. Finally, nothing in Title III affects the status of existing products under, or limits, existing CEA exclusions or CFTC exemptions or policy statements, or the existing efficacy of CFTC or staff no-action positions with respect to existing products.

With respect to the exemptive authority over deposits in insured banks, time deposits, demand deposits, and transaction accounts are generally not subject to regulation under the Act, and the amendment to section 4 does not in any way expand the Commission's jurisdiction over such products. Indeed, the provision is intended to have just the opposite effect. There may be circumstances in which such traditional banking products may also have features or characteristics that resemble instruments that are subject to regulation under the Act. The amendment to section 4 requires the Commission to specifically exempt these products from the Act, after notice and a hearing, provided the Commission determines that the exemption would not be contrary to the public interest. This provision therefore recognizes the fact that such products would remain subject to extensive regulation by federal banking regulators.

EXPLANATION OF TECHNICAL AND CONFORMING AMENDMENTS TO TITLE III OF S. 207, AS REPORTED BY THE SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY ON MARCH 6, 1991

Margins on Stock Index Futures—Section 301 of S. 207; no technical or conforming amendments are made to section 301.

EXEMPTIVE AUTHORITY—SECTION 302 OF S. 207

*The technical and conforming amendments*

The grant of exemptive authority in new section 4(c) has been revised to make clear that the CFTC may grant exemptions to persons who render other services in addition to trading advice with respect to agreements, contracts or transactions. This section has also been amended to make clear that, in addition to net worth, total assets of more than $5,000,000 or adequate financial guarantees can qualify corporations and other entities as "institutional participants." Certain other technical changes have been made to the "institutional participant" definition.

The clause regarding the power of the CFTC to revoke exemptions granted under section 4(c) has been deleted as unnecessary. The Commission already is empowered to revoke any exemptions it may grant under current law. In this connection, a new provision has been added applicable to all the new exemptive provisions in Title III to make clear that the granting of an exemption does not affect the Commission's existing authority to conduct investigations in order to determine compliance with the requirements or conditions of the exemption or to take enforcement action for any violation of any provision of the Act or any rule, regulation or order thereunder caused by the failure to comply with or satisfy such conditions or requirements.

With respect to swap transactions, the exclusion and exemption provisions have been combined into one, revised exemptive provision for purposes of clarity and administrative convenience and to avoid any inference that any particular swap agreements are futures contracts. The public interest determination required of the Commission to grant an exemption has been changed from "not contrary" to "consistent with" to assure that the Commission remains sensitive to the Committee's intent that this exemptive authority be exercised in this rapidly evolving area with due regard for any adverse impact on the public interest.

The exemptive language has also been modified to assure that eligible swap agreements be exempted from all of the requirements of the Act and that the exemptions be effective as of October 23, 1974, the date of enactment of the Commodity Futures Trading Commission Act of 1974. This will implement the Committee's intent that the exemption is available for all eligible swap agreements, regardless of when they may have been entered into.

In addition, the structure of the exemptive provision has been modified to clarify the Committee's intent that, once the Commission has made the required public interest determination, the governing statutory criteria under the exemption are set forth in clauses (B) through (D). These criteria are intended to be objective. Changes in clause (B) conform to this intent.

The creditworthiness standard for the swap exemption in clause (C) has been revised to eliminate the reference to "negotiation" and to replace it with a reference to "consideration in entering into or determining the terms, including pricing, cost or credit enhancement terms, of the swap agreement." This is in keeping with the Committee's understanding that while creditworthiness is a material consideration in entering into or determining the terms of the swap agreement, they do not require parties to actually negotiate (or demonstrate that they have negotiated) particular provisions. In this connection the clarifying phrase regarding "any party having an actual or potential future obligation" refers to obligations that create credit risk, not to ancillary obligations, such as obligations to deliver documents or perform (or refrain from performing) financial or business related covenants. This does not limit the ability of parties to undertake any bilateral collateral or margining arrangements to address credit issues. Parties would not be prevented from entering into multiparty arrangements for processing bilateral collateral or margin arrangements in order to minimize the number of collateral or margin transfers. These arrangements

should be distinguished from clearing (as done by exchanges) which would not be permitted under the exemptive language.

The requirement in former clause (D) that the swap agreement not be designed to or result in a trading market was intended to assure that the swaps exemption not be used to evade the law by persons affixing a "swaps" label on a futures contract and trading it in a manner analogous to an exchange. Clause (D) has been refined to achieve this result with greater specificity by the use of two independent criteria.

First, the swap agreement must not be one of a class of fungible instruments that is standardized as to its material economic terms. This will assure exclusion from eligibility under the exemption of the establishment of an over-the-counter market in instruments, the terms of which are fixed and are not subject to negotiation, that functions essentially in the same manner as an exchange but for the bilateral execution of transactions. The reference to material economic terms is intended to encompass terms that define the rights and obligations of the parties under the swap agreement and that, as a result, may affect the value of the swap at origination or thereafter. Examples of such terms may include national amount, amortization, maturity, payment dates, fixed and floating rates or prices (including the methods by which such rates or prices may be determined), payment computation methodologies and any rights to adjust any of the foregoing. Standardization of material economic terms is a necessary, but not sufficient condition for fungability, as other factors, such as individual negotiation of other material terms or counterparty credit risk also are a consideration of fungibility. As a result of, for example, the existence of common conventions in related markets or the hedging or risks incident to common assets or liabilities, swap agreements may have the same economic terms but yet not be standardized or fungible. Standardization of certain terms, for example, definitions, representations and warranties, and default and remedies provisions, as found in certain forms published by various associations, is not by itself violative of this requirement.

Second, the swap agreement not be entered into a traded on or through a multilateral transaction execution facility. This criterion is intended to encompass essentially an unregulated exchange, including an electronic exchange. It is not intended to include an association of dealers or other participants that engage in bilateral over-the-counter transactions, even where these participants use computer or other electronic facilities to communicate with each other and facilitate the processing of payments and transfers arising in connection with those bilateral transactions. In this regard, the proviso to clause (D) is intended to make clear that its requirements do not apply to a bilateral or multilateral arrangement or facility for the netting of payments obligations, as contracted with an exchange style system that eliminates credit exposure in connection with the extinguishment of transactions which legally offset each other. This is intended to permit arrangements which may reduce overall credit risk to participants.

With respect to exemptions for deposits in insured banks, changes have been made to make clear the Committee's intent that the CFTC grant exemptions from all of the prohibitions and requirements in the Act if the CFTC makes the required public interest determination. In addition, structural changes in the exemptive language clarify that a particular institution's status as insured, regulated or supervised so as to be eligible for the exemption is intended to be an objective standard that will not require the CFTC to make individual determinations before granting an exemption.

HYBRID COMMODITY INSTRUMENT—SECTION 303 OF S. 207

*The technical and conforming amendments*

In new section 4c(h)(1) the words "has elements" of an option or future have been replaced by "has an embedded or otherwise attached" option to make clear that the predominance test should apply only when the hybrid instrument includes products subject to CFTC jurisdiction. In addition, in the part of the test dealing with an embedded futures contract, the words "change in the value of the instrument or its performance" have been changed to "value gained from and payable on" to more accurately reflect that both upward and downward commodity price movements are considered in applying the test, other conforming changes have been included to clarify the Committee's intent.

A new sentence has been added at the end of Section 4c(h)(1) which provides that "This subsection shall not affect any other exclusion or exemption from this Act, of any transaction, including exemptions granted by any rule, regulation or order of the Commission." The purpose of this amendment is to make clear the Committee's intent that exclusions from the Act under current law continue irrespective of the operation of the new predominant purpose test. In addition, Section 4c(h)(2) has been revised to clarify that any exclusions which do result from operation of the test in section 4c(h)(2) do not otherwise affect the CFTC's jurisdiction under current law. As revised, section 4c(h)(2) provides that "Except as provided in paragraph (1), nothing in this subsection shall affect the jurisdiction granted to the Commission over any transaction under this Act."

Stock Index Participation—Section 304 of S. 207; no technical or conforming amendments are made to section 304.

THE CFTC "PREDOMINANT PURPOSE TEST" FOR HYBRID INSTRUMENTS

Section 303 of S. 207 deals with the regulation of hybrid commodity instruments—those instruments having embedded or otherwise nonseverable commodity option or futures—by means of a "predominant purpose test." The focus of this concept is to look at the instrument from the purchaser's persective and determine if the purchaser will benefit from investing in an enterprise or from changes in commodity prices. Only those hybrid commodity instruments having a predominant commodity option or futures play would be subject to CFTC regulation.

SEC-REGULATED INSTRUMENTS REMAIN UNAFFECTED

Concern has been raised over whether the language in Section 303 would subject certain currently offered instruments to the hybrid test. First, all traditional commodity futures and options would remain under the purview of the Commodity Exchange Act and would not be subject to the hybrid test. Second, the jurisdictional provisions of section 2(a)(1)(B) of the Act, the so-called SEC-CFTC Accord, would be untouched by this and other sections of S. 207.

This means that all securities and options on securities which are currently regulated by the Securities and Exchange Commission would remain under the SEC's jurisdiction, including stock index options and stock index warrants. Also, of course, all equity options, equity warrants and option-like securities such as contingent value rights (CVRs) and convertible debt including products such as LYONs would not be subject to CFTC's hybrid test. Furthermore, hybrid instruments combining debt features and options on stock indices such as SPINs and SIGNs would not be subject to the hybrid test and therefore would not be subject to CFTC regulations.

The Commission's position that particular instruments such as certain certificates of deposit and adjustable rate mortgages are not within the purview of the Act would be unaffected by the enactment of Section 303 in particular and S. 207 in general. In this regard, the Commission has always looked to an instrument's overall economic function and underlying purpose in determining whether the instrument is a futures or an option transaction regulated under the Act.

To illustrate, a certificate of deposit or mortgage in which the interest payments are determined by reference to published interest rates or indictes of interest rates, are not instruments which are primarily intended to capture commodity price fluctuations. It was on this basis that the Commission noted in its 1989 Statutory Interpretation Concerning Certain Hybrid Instruments (54 Fed. Reg. 1139, 1140 (Jan. 11, 1989)) that certain types of instruments, such as adjustable rate mortgages, employment agreements, leases, and lending and certain deposit instruments, which are indexed to a commodity or a group of commodities (as defined in the Act), are beyond the purview of the Act. As noted, this position is not affected by S. 207.

A DESCRIPTION OF THE TEST

Section 303 excludes from the Commodity Exchange Act (and thus from the jurisdiction of the CFTC) instruments which meet a simple mathematical test determining the value of the commodity price play in the instrument and what predominates: the commodity price play or the investment in an enterprise. Subsection 4(b)(1)(A) refers to instruments which have embedded commodity options; subsection 4(b)(1)(B) refers to instruments which contain futures. The subsections are conjunctive because if an instrument contains both a futures and options play, both sections are considered. Subsection (B) uses the phrase "gain from and payable on" to account for the fact that a futures price play can result in gain or loss apart from the non-commodity component. The CFTC would publish rules providing guidance for calculation methods for determining the commodity option and futures price play of hybrid instruments.

The test is easy to apply to a hybrid instrument containing a commodity option. Such an instrument would be subject to CFTC regulation only if, at its date of issuance, the value of the commodity price play, as measured by the value of the commodity option, is greater than the value of the non-commodity (e.g. bond, note, etc.) component. This is also to say that the hybrid instrument would be required to derive more than 50 percent of its value from the commodity option.

A comparable test can be applied to hybrid instruments containing a futures contract. Again, such instruments would fall under CFTC jurisdiction only if, at the date of issuance, the value of the expected commodity price play associated with the futures contract is greater than the value of the non-hybrid component.

Measurement of the expected commodity price play associated with a futures contained in a hybrid instrument is quite similar to that of a commodity option. The key lies in the fact that the payoffs (or profits and losses) to a futures position can be mathematically replicated with commodity option positions. That is, a futures contract can be theoretically separated into basic option "building blocks." For example, the payoffs produced by a long futures contract can be theoretically replicated with a combination of a long call option and short put option. (Such combined option positions are, in fact, referred to as "synthetic futures" and are often used by market professionals as a part of their trading strategies.) In applying the predominant purpose test, this principle can be used to break down a futures contract contained in a hybrid instrument into two options to which a simple options valuation analysis can be applied.

EXAMPLES ILLUSTRATING IMPLEMENTATION OF THE HYBRID TEST

Following are several examples illustrating the application of the predominant purpose test. The first set are generic examples of hybrid commodity instruments that have embedded futures and options. Included are situations where both the principal and coupon payments may be indexed to the price of a commodity. Specific examples are then given where the test is applied to previously issued instruments including the SOHIO oil-indexed notes and the PERLS and Reverse PERLS instruments issued by SallieMae. Finally, a description is given of two products, SPINs issued by Salomon Brothers and SIGNs issued by the Republic of Austria through Goldman Sachs, in which the investor's payoff was tied to the appreciation in a stock index.

*Example No. 1*

In the first example we consider a generic example of how the predominant purpose test would apply to a hybrid commodity instrument containing a commodity option.

Consider a firm that issues a hybird commodity instrument where the principal amount to be paid at maturity is indexed to the appreciation in the price of gold. The instrument will be sold to investors at a par amount of $1,000, will mature in five years and will pay a coupon rate of interest of 6 percent per year. The amount to be paid at maturity will equal the principal amount of $1,000 plus an additional amount equal to 2.5 times the price of gold at the maturity date ($P_T$) in excess of $400, if any. To summarize:

Hybrid Issuance Price, Par ($1,000).
Term to Maturity, 5 years.
Principal Amount, $1,000.
Coupon Rate, 6 percent.
Equivalent Yield, 10 percent.
Commodity Option Payment, 2.5 times MAX ($P_T$—$400, 0).

To illustrate the investor's payoff at maturity, if gold is selling for $420 at the maturity date, then the investor would receive $1,000 plus 2.5 times $20 ($200-$400) which equals $1,000 plus $50 or $1,050. This instrument can thus be viewed as consisting of a bond plus a commodity option. The potential additional return at maturity, depending upon the price of gold, is a commodity option because the purchaser receives back, at a minimum, all of the principal.

Had the same firm decided to issue a similar bond, but one without the commodity play on gold, it would be required, based on its credit rating and current market rates, to offer investors a 10 percent annual return. Under these circumstances, a five-year bond paying a 6 percent coupon rate of interest and priced to yield a 10 percent annual return would sell for about $845. Thus, the difference in the selling price of the two instruments of $155 ($1,000-$845) can be attributed to the value of the commodity option component. Alternatively, option pricing models or other procedures to estimate directly the value of the commodity option component may be employed and would give a similar value ($155).

As shown above, the value of the commodity price play associated with the commodity option ($155) is less than the value of the bond component ($845). Expressed as a proportion of the hybrid instrument's total value (in this case, the price paid for the instrument) at the date of issuance, the value of the commodity option is $155/$1,000 or about 15.5 percent. Therefore, since the hybrid instrument does not derive more than 50 percent of its value from the commodity option, it would not fall within CFTC jurisdiction.

*Example No. 2*

Hybrid Instrument Containing an Embedded Futures

In the second example the predominant purpose test is applied to a hybrid commodity instrument having a futures component. Similar to the previous example, the investor's payoff at maturity is indexed to the price of a commodity. However, the indexing is not one-sided as is the case with a commodity option. Instead, the investor's payoff may be decreased as well as increased depending on the fluctuation in price of the commodity. This is a characteristic of a futures component.

Consider a firm that issues a hybrid commodity instrument containing an embedded futures. Current interest rates are 10 percent and the instrument has a five-year term to maturity. Upon maturity, the investor will receive the principle payment of $1000 (the bond) plus or minus the difference between the then prevailing price of oil in five years ($P_T$) and a pre-determined reference price of $25 per barrel, times 40 barrels (the futures). To summarize:

Hybrid Issuance Price, $621.
Term to Maturity, 5 years.
Principal Amount, $1,000.
Coupon Rate, 0 percent.
Equivalent Yield, 10 percent.
Commodity Futures Payment, 40 times ($P_T$—$25).

As constructed this instrument contains a futures contract because the commodity price play is two sided: if the price of oil in 5 years goes up above $25 per barrel, the purchaser gets back more than the $1,000 principal amount; if oil goes down, he will receive less than $1,000 back.

The bond portion of the transaction is, in effect, a five-year, zero coupon bond with a face value of $1,000. Based on the firm's credit rating and a market rate of interest of 10 percent, the current (discounted) price of such a five-year bond is $621.

To accurately value the expected commodity price play associated with the embedded futures, we simply translate the futures contract into its "synthetic futures" equivalent—a theoretical short put option and a theoretical long call option. Assume that the computed values of the put and the call each equal $255. Thus, to measure the commodity price play associated with the futures contract, the absolute values of the put and call are added to equal $510 ($255 plus $255).

As the value of the commodity price play associated with the futures ($510) is less than the value of the bond ($621), this particular hybrid instrument would not fall within CFTC jurisdiction.

If, on the other hand, the principal payment at maturity had been indexed to 60 barrels rather than 40 barrels of oil, the value of the commodity price play associated with the futures contract would have been larger and equal to $765 (60/40 times $510). As the value of the commodity price play ($765) is now greater than the bond ($621), the hybrid instrument would then be subject to CFTC jurisdiction.

*Example No. 3*

Hybrid Instrument Containing Both a Commodity Option and Futures

The first two examples presented situations where the hybrid instrument contained a commodity option and an embedded futures, respectively. The next example analyzes a hybrid instrument that contains both.

Consider a firm that issues a hybrid commodity instrument that has both a futures and a commodity option embedded in a bond. Assume that current interest rates are 10 percent and the instrument has a five-year term to maturity. Upon maturity, the investor will receive $1,000 (the bond) plus or minus the difference between the prevailing price of oil in five years ($P_T$) and a predetermined reference price of $25 per barrel, times 40 barrels (the futures). However, if the price of oil rises above $35 a barrel, the payment will be capped at $400 based on a $35 per barrel calculation (the commodity option component). To summarize:

Term to Maturity, 5 years.
Principal Amount, $1,000.
Coupon Rate, 0 percent.
Equivalent Yield, 10 percent.
Commodity Based Payment, 40 times ($P_T$—$25), subject to a $400 cap.

This hybrid instrument can be viewed as a five-year, zero coupon bond having a face value of $1000, containing a futures contract tied to the price of oil subject to a cap which limits the investor's maximum potential payment at maturity to $400. (A cap is another way of saying an option). Based on the firm's current credit rating and a market interest rate of 10 percent, a five year zero coupon bond would sell for $621.

To accurately value the expected commodity price play associated with the embedded futures and option, the futures is first translated into its "synthetic futures" equivalent—a theoretical short put option and a theoretical long call option. Let the computed values of the short put (representing the value associated with a fall in oil prices below $25) and the long call (representing the value associated with an increase in oil prices above $25) each equal $255.

Next, because the payment received from a rise in oil prices is capped when oil reaches $35, the investor in essence is short an additional call option having a $35 strike price. Assume that the value of this short call option equals $200. Because the cap eliminates any additional commodity price play for oil prices above $35, the commodity play value associated with increases in oil prices above $25 is reduced from $255 to $55 ($255-$200).

Thus, the total absolute sum of the commodity price play will equal $55 (for potential increases in oil prices) plus $255 (from potential decreases in oil prices) or $310. Because the value of the commodity price play associated with the futures and option ($310) is less than the value of the bond ($621), this particular hybrid instrument would not fall within CFTC jurisdiction.

*Example No. 4*

Hybrid Instrument With Coupon Indexing

In each of the previous examples, the hybrid instrument was designed such that the principal component (the amount to be paid at maturity) was indexed to the price of a commodity. The following example illustrates how the predominant purpose test is applied to a hybrid instrument in which a bond's coupon payments are each indexed to the price of a commodity. That is, the amount the investor receives at each coupon payment date would depend on fluctuations in the price of a commodity.

Consider a firm that issues a hybrid commodity instrument in which the coupon payment is indexed to the price of oil. The instrument will have a $1,000 face amount, will have a three-year term to maturity, and will pay an 8.4 percent coupon with interest paid semiannually.

However, each semiannual coupon payment will be adjusted by plus or minus the difference between the then prevailing price of oil at each payment date ($P_T$) and a predetermined reference price of $30 per barrel, times 1.25 barrels of oil. This instrument can be viewed as a three-year 8.4 percent coupon bond with interest paid semiannually, and a set of six consecutively maturing futures contracts having maturities of ½, 1, 1½, 2, 2½, and 3 years. That is, each of the six semiannual coupon payments can be viewed as containing a futures component. To summarize:

Hybrid Issuance Price, Par ($1,000).
Term to Maturity, 5 years.
Principal Amount, $1,000.
Coupon Rate, 8.4 percent.
Equivalent Yield, 8.4 percent.
Commodity Futures Payment, 1.25 times ($P_T$—$30), paid semi-annually.

To measure the commodity play associated with each futures contract, note that each can be synthetically replicated with a long call option and a short put option. The commodity play value of the put and call options comprising each synthetic futures can then be determined by summing their absolute values. The calculated option values are as follows:

| Futures maturity | Short put value | Long call value | Absolute sum: Put plus call |
|---|---|---|---|
| ½ year | $5.05 | $5.05 | $10.10 |
| 1 year | 6.84 | 6.84 | 13.68 |
| 1½ year | 8.00 | 8.00 | 16.00 |
| 2 year | 8.83 | 8.83 | 17.66 |
| 2½ year | 9.44 | 9.44 | 18.88 |
| 3 year | 9.89 | 9.89 | 19.78 |
| Total commodity price play | | | 96.10 |

At the date of issuance the value of the bond (which is the present value of the stream of coupons plus the present value of the principal) is $1,000. Since the value of the total commodity price play associated with the futures contract ($96.10) is less than the value of the bond component ($1,000), this hybrid instrument would not be subject to CFTC jurisdiction.

*Example No. 5*

SOHIO Oil-Indexed Notes

The next set of examples apply the predominant purpose test to three hybrid instruments issued in recent years that contain commodity option and/or futures components. These instruments are the Standard Oil of Ohio (SOHIO) oil-indexed notes, the "Principal Exchange Rate Linked Securities" (PERLS), and the Reverse PERLS instrument.

In the summer of 1986, Standard Oil of Ohio (SOHIO) issued a hybrid commodity instrument indexed to the price of oil. The instrument had a 4½ year maturity and had no stated rate of interest. At maturity investors were to receive a par amount of $1,000 plus an additional amount equal to the price of a barrel of West Texas Intermediate crude oil in excess of $25, times 170 barrels. However, if the price of oil at maturity ($P_T$) rises above $40 a barrel, the payment will be capped at $2,550 based on a $40 per barrel calculation (the Commodity option component). The hybrid instrument was sold to investors for $970. This instrument can be viewed as being a bond with an embedded commodity option. To summarize:

Hybrid Issuance Price, $970.
Term to Maturity, 4.5 years.
Principal Amount, $1,000.
Coupon Rate, 0 percent.
Equivalent Yield, 9.9 percent.
Commodity Option Payment, 170 times MAX ($P_T$—$25, 0), subject to a $2,550 cap.

A similar non-hybrid instrument issued by SOHIO at that time, was priced to yield investors an annual return of 9.9 percent. Under these circumstances, a pure discount bond with a 4½-year maturity, a $1,000 face value, and priced to yield a 9.9 percent annual return would sell for $654. The difference between the selling price of the two instruments of $316 ($970–$654) can be attributed to the value of the commodity option. Alternatively, option pricing models or other procedures may be employed to directly estimate the value of the commodity option component and would give a similar value ($316).

As shown above, the value of the commodity price play associated with the option ($316) is less than the value of the bond ($654). Expressed as a proportion of the intrument's total value at the date of issuance, the value of the commodity option is about 33 percent ($316/$970). Therefore, since the instrument derives less than 50 percent of its value from the embedded commodity option, it would not be subject to CFTC jurisdiction.

*Example No. 6*

SallieMae PERLS

The next example looks at the 12⅛ Percent Principal Exchange Rate Linked Securities (PERLS) which were issued in March 1987 by the Student Loan Marketing Association (SallieMae) and were set to mature on March 20, 1990. This hybrid instrument was constructed such that the investor's payoff at maturity was dependent on fluctuations in the value of the Australian dollar relative to that of the U.S. dollar.

The PERLS instrument was issued in March 1987 by SallieMae. The instrument had a three-year term to maturity and a 12⅛-percent coupon rate of interest with interest payable semiannually in U.S. dollars based on the face amount of the instrument ($1,000). At maturity the investor was to be paid an amount equal to the U.S. dollar equivalent of A$1452 (Australian dollars). This is also to say that at maturity the investor would receive the principal payment of $1,000 plus or minus the difference between the then prevailing U.S./Australian dollar exchange rate in three years ($P_T$) and a predetermined exchange rate of $.6887, times 1452. Therefore, the payoffs on this instrument can be characterized as a bond with an embedded long futures contract. To summarize:

Hybrid Issuance Price, Par ($1,000).
Term to Maturity, 3 years.
Principal Amount, $1,000.
Coupon Rate, 12⅛ percent.
Equivalent Yield, 8.75 percent.
Commodity Futures Payment, 1452 times ($P_T$—$.6887).

At approximately the same time, the yield provided to investors on a similar instrument but one without the principal indexed to the value of Australian dollars, was about 8.75 percent per year. Therefore, at the date of issuance, the value of the bond component of the instrument is $1,091 which is the value of a three-year, 12.125 percent coupon bond priced to yield 8.75 percent.

The futures component of the instrument can be theoretically translated into a synthetic futures equivalent, a long call option and a short put option. Values for the put and call options can be determined based on market conditions as of the date of issuance. The values of the call and put option are $21 and $124, respectively. Thus, the sum of the absolute values of the put plus the call, or the commodity price play associated with the futures contract, is $145, which is less than the value of the bond component ($1,091). Therefore, the hybrid instrument would not fall under CFTC jurisdiction.

*Example No. 7*

SallieMae Reverse PERLS

The next example, similar to the previous PERLS example, involves the Reverse PERLS instrument and also has a commodity play related to exchange rate fluctuations. However, in the case of the Reverse PERLS instrument, the bond is combined with an embedded short futures contract. The Reverse PERLS were issued in May 1987 by SallieMae and were set to mature on May 14, 1992.

The Reverse PERLS instrument was issued in May 1987 by SallieMae. The instrument had a five-year term to maturity and a 10⅞ percent coupon rate of interest with interest payable semiannually in U.S. dollars based on the face amount of the instrument ($1,000). At maturity the investor is paid an amount equal to U.S. $2,000 minus the U.S. dollar equivalent of 138,950 yen. This is also to say that at maturity the investor would receive the principal payment of $1,000, plus or minus the difference between a predetermined exchange rate of $.007197 and the then prevailing U.S. dollar/Japanese Yen exchange rate in five years ($P_T$), times 138,950. Thus, the payoffs on this hybrid instrument can be characterized as a bond with an embedded futures contract. To summarize:

Hybrid Issuance Price, Par ($1,000).
Term to Maturity, 5 years.
Principal Amount, $1,000.
Coupon Rate, 10⅞ percent.
Equivalent Yield, 8.75 percent.
Commodity Futures Payment, 138,950 times ($.007197—$P_T$).

At approximately the same time, the yield provided to investors on a similar instrument but one without the principal indexed to the Yen, was about 8.75 percent per year. Therefore, at the date of issuance, the value of the bond portion of the instrument is $1,090 (the value of a five-year, 10.875 percent coupon bond priced to yield 8.75 percent).

The futures component of the instrument can be theoretically translated into its "synthetic futures" equivalent consisting of a long put and a short call option. Values for the put and call options can be determined based on market conditions as of the date of issuance. The values of the call and put option are $161 and $42, respectively.

Thus, the sum of the absolute values of the put plus the call, or the commodity price play associated with the futures component, is $203, which is less than the value of the

bond component ($1,090). Therefore, the hybrid instrument would not fall under CFTC jurisdiction.

*Example No. 8*

SPINs and SIGNs

Finally, two instruments are described which contain a bond and a stock index option component. These two instruments are the Standard and Poor's (S&P) 500 indexed notes (SPINs) and the Stock Index Growth Notes (SIGNs). Because the option component in each instrument provides a payment that is tied to the appreciation in a stock index, neither would be subject to CFTC regulation according to the jurisdictional provisions of the SEC–CFTC Accord.

In September 1986 Salomon Brother issued to the public at par ($1,000) the S&P indexed notes (SPINs). The SPIN had a four-year maturity and a 2 percent coupon rate of interest with interest paid semiannually. At maturity the investor received the principal amount of $1,000 plus the excess, if any, of the S&P 500 index value over the value of 270.38 times a multiplier of 3.6985. Thus, the SPIN instrument can be viewed as a combination of a bond plus 3.6985 long-term stock index call options each having an exercise price of 270.38.

In January 1991, on behalf of the Republic of Austria, Goldman Sachs issued to the public at par ($10) the Stock Index Growth Notes (SIGNs). The SIGN had a five-year maturity upon which an investor would receive back the $10 principal amount plus an interest payment based upon the appreciation, if any, in the S&P 500 index from the date of issuance. This instrument can also be viewed as a combination of a bond plus a long term stock index call option.

As both the SPINs and SIGNs instruments contain options on a stock index, neither would be subject to CFTC jurisdiction according to the SEC–CFTC Accord.

Mrs. KASSEBAUM. Mr. President, I wonder if the Senator from Vermont would yield a moment so I might express exactly why I am supportive of the efforts of the Senator from Missouri [Mr. BOND] to say let us not do it today.

Mr. LEAHY. Mr. President, I would be happy to yield to the Senator from Kansas without losing my right to the floor so that she can explain to the body why I am wrong.

Go ahead.

Mrs. KASSEBAUM. I say it is not the desire of anyone to see this in limbo. One reason that I, as a member of the Banking Committee, am glad to see we are not rushing for it is the hopes of many of us who believed a compromise was in place some months ago but found all of a sudden there were changes being requested which many of us have not really fully seen even yet as there are new requests for changes being made. That is why I think if we and all of us would agree this is a very important piece of legislation that we have to understand fully what is in it.

I do not see this as a desire to put it off. But I would just say to the Senator from Vermont who is chairman of the Agriculture Committee and had a major role in working on this legislation as well that it is not my desire in any way to stall this, certainly not on my part, and I am sure not on the part of the Senator from Missouri.

We have lost one of our major players on this issue when we lost Senator John Heinz from Pennsylvania. I think as such some of us who have looked to his leadership on the Banking Committee have to get up to speed with what has been going on in negotiations and what has been actually changing by the minute. That is why I think it is important I would say, Mr. President, for us not to put this off, not to let it be in limbo, but to understand fully what indeed we are talking about here on the floor.

Mr. LEAHY. Mr. President, I would hope the Senator from Kansas knows how much I respect and honor and appreciate all the work that Senator Heinz did on this issue. One of the most important meetings we had in trying to develop a compromise occurred in his office at his request and with his leadership. It was very valuable.

Speaking individually, I have been in a state of shock ever since I heard the news in another part of the world on a tiny portable radio with scratching sound coming through of Senator Heinz' death.

I would like to emphasize two or three things quickly. One, Senator BOND has been a major figure in trying to work an agreement on this jurisdictional issue. Senator RIEGLE has also been a major and much needed figure in this area, as was Senator Heinz. I know the Senator from Kansas, whose State relies very much on these futures markets, has a great interest in this and is one of the more knowledgeable Members of this body.

I do not want to suggest that anybody this week is trying to delay this bill for any reason other than that we are all in a state of shock. I would hope that we might quickly reach a time where we can agree to bring the bill to the floor at some definite time and go forward. That is why I was willing to stay here during the recess.

I think all of us—including the Senator from Missouri and the Senator from Michigan, Mr. RIEGLE—would agree that this is the kind of subject where the diverse parties are never going to be in complete agreement until they know that, at 9 o'clock on such and such day, we are actually going to start voting. It might be next week or the week after. But the important point is that we are not going to find parties making those final commitments to a compromise until they know they have to. When they know that the bill is actually going to be on the floor and actually going to be voted on, then the commitments will be made.

I am perfectly willing to withhold until such time as we can have whatever hearings are necessary. I do not envy the job of the distinguished chairman of the Banking Committee who has had his hands full with banking issues and nevertheless has moved heaven and Earth to get a hearing next Tuesday morning with figures who would normally take a month to schedule. I commend him for that.

But it has been my experience, having wrestled with this issue now for several years, that until the bill is actually scheduled, there will be no reaching of a final agreement. There are parties, not here in the Senate, both in the executive branch and in the securities and commodities industry, who will not make those final judgments and commitments until they know they have to. That is all.

I yield the floor, and I thank the Senators for their patience.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I want to follow as quickly as I can. I know two colleagues are on the floor who want to express remarks with respect to Senator Heinz.

While I want, as quickly as I can to follow the remarks of the Senator from Vermont, I would be prepared, if I may reserve my right to the floor, to yield to my colleagues who have remarks with respect to Senator Heinz so they might deliver those now. I will make my substantive remarks when they finish.

The PRESIDING OFFICER. The Senator from Missouri.

The Senator from Michigan has the floor.

Mr. RIEGLE. Yes, I yield without losing my right.

Mr. BOND. Mr. President, I believe we might come close to wrapping up the discussions of this. We did have the distinguished chairman of the Agriculture Committee, the chairman of the Banking Committee, and I have about no more than 2 minutes' worth of comments and a suggestion on this. Perhaps we would know a little bit better where we are going if we could beg the indulgence of our colleagues from Utah and Kansas for I would hope no more than 5 minutes and come to some suggested means of proceeding on this. Would that be all right?

Mr. RIEGLE. I agree with respect to the colleagues. I am happy to proceed and to try to do this in 5 minutes. I am also happy to stand aside and allow others to speak.

I yield without losing my right to the floor.

Mr. HATCH. I wonder if both colleagues would allow Senator KASSEBAUM and me to make our rather short but significant statements eulogizing Senator Heinz, and we will ask that our statements be placed at the appropriate place in the RECORD; then I think you can finish, because I think it will take more than 5 minutes. If we could do that, it will not be a matter of great interruption.

Mr. RIEGLE. I am prepared to yield without losing my right to the floor to either of the Senators who want to speak about Senator Heinz.

Mrs. KASSEBAUM. Mr. President, I very much appreciate the suggestion of the Senator from Michigan. I will be happy to defer to the Senator from Utah and then wait to offer my statement after the conclusion of the debate.

Mr. HATCH. If my colleagues will allow me to proceed, I do not intend to take more than 5 minutes.

The PRESIDING OFFICER. The unanimous-consent request is that the Senator from Utah be allowed to speak. Is there objection? Without objection, it is so ordered.

(By unanimous consent the remarks of Mr. HATCH pertaining to Senator Heinz appear at an earlier point in the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized.

Mr. RIEGLE. Mr. President, I am going to make just a few remarks to round out the record on this issue. I also will have some things to say about John Heinz. I have spoken about him in the Senate Banking Committee and at earlier hearings we had, and so at a later time I will address my remarks to the extraordinary record of service he gave his country and the feelings I have personally about the tragedy of his being lost to us.

Let me not address that further now but go to the legislative issue in front of us, the question of this CFTC–SEC issue as it relates to the matters in the bill that has been referenced by the Senator from Vermont.

I have great respect for my friend from Vermont. In fact, he and I have known each other for a long time. I first met him about 20 years ago quite by accident on a hillside in Vermont. He was not a U.S. Senator at that time. The fates were with us that day and we met and developed a friendship that has been very deep and strong since that time, so much so that I asked the Senator from Vermont and his wife to serve as the godparents for my 6-year-old daughter, which was about as great a compliment as I am able to pay. So there is very strong feeling between us.

I must say whenever I see my friend from Vermont get up to speak and his head turns red because of what he is talking about, I realize that is a sign he is feeling passion. We do not see that often, but when we do I take account of it, as all of us around here do. I understand his strong feeling on this issue and I think all of us who worked with this over a period of time have an equal feeling of seriousness and concern about these matters and want to see that they are dealt with and dealt with properly.

The problem we face jurisdictionally is that part of this bill addresses issues that fall, as we would see it, on the Banking Committee within the clear jurisdictional authority and responsibility of our committee. As a result, they have to be matters we address and look at and feel we have responded to appropriately in terms of our duties to the Senate as a whole, to be sure we are able to assert to the Senate that we have examined the part of the bill that relates to our jurisdiction, that we understand it, that we see a full and fair presentation of argumentation is presented, so that all Senators are fully informed to make their own judgment.

I always approach issues from the point of view that Senators should in the end make their own independent judgment on issues. I do that myself. And so our obligation is to make sure we are providing what information and insight is necessary on a complicated and arcane issue like this, that we carry out that responsibility, and I am determined to do it.

When this issue in title III of this bill arose, it was clearly within the bounds of our committee. We undertook to analyze it, evaluate it, and gather expert opinion. One of the first things I did was write to the Chairman of the Federal Reserve Board, and he wrote back to me, in a letter I am going to have printed in the RECORD at the end of my comments, and expressed great concern about aspects of title III of this bill. That immediately caused me some apprehension.

It has been stated and is known that the Chairman of the SEC also has certain operational duties in this area, and himself has expressed, as well, concerns and reservations about part of this bill.

So we have undertaken, now, to call before us as witnesses these regulatory officials, the ones I think are the most important for us to hear from, and from which we should have a public record available to the Senate before we vote.

When I called Alan Greenspan to see when he might be able to testify before us, he indicated he was not able to do it today because he is traveling in another part of the United States. The earliest he could come and was prepared to come—he felt it was important to testify—would be next Tuesday morning.

And so we moved other things aside so he can appear, and other witnesses can appear, and we can draw these issues out, and the Senator from Missouri and I can bring before the Banking Committee a full record that contains the relevant observations and commentary from the chief regulators that have a stake in this issue.

It is not a simple issue. It is not a question of who is more ardent or less ardent in wanting to deal with this problem. We have been trying to deal with this set of issues now for 2 years.

John Heinz is foremost among those who worked so hard, along with many others, to try to do something about resolving these issues. In the past, we thought we were close to answers. Then at the end, for one reason or another, the agreements that seemed to be within reach did not materialize. So we are back again now.

I am hopeful we can work something out here, but we are not likely to work it out ever if one committee—not necessarily intentionally—is undertaking to come forward with something that falls into the jurisdictional range of another committee, when that committee has not had a chance to act in specific, focused detail on whatever it is that is being proposed in the way of a new proposal.

That is why this title III has become so contentious. I just want to say a couple of other things about it, and I will yield.

The issues involved here are very complex, and they are highly technical. As my colleagues know, title III of this bill attempts to define the scope of jurisdiction of the Commodities Futures Trading Commission and by implication, the jurisdiction of the Securities and Exchange Commission and the Federal bank regulatory agencies. Therefore, title III of S. 207 is within the clear jurisdiction of the Senate Banking Committee.

Further, the decisions that we make in connection with S. 207 will have a profound impact on the development of new financial products, often referred to as hybrid instruments, in the United States. I stress the development of these products in the United States, because as we all know, these new products will be developed regardless of what happens here. They will exist somewhere else in the world.

We can, however, make this country's markets so complex or so inhospitable to these products that they will not properly develop here, but in fact develop overseas.

In today's global financial market, the competition is not between New York and Chicago and San Francisco—although there is competition there—but fundamentally, it is between the United States and Great Britain and Japan. In other words, we are increasingly in a global market situation.

I am proud to be able to say we in the United States are currently the world leaders in financial innovation, and we should take great care that we not lose our competitive edge in the financial markets through this or any other legislation.

Frankly, we have not fully considered the ramifications of this bill on the securities and the futures markets. There have been no hearings to gather the views of the regulators responsible for these markets. Most of the securities firms and banks that participate in

these markets have written the Banking Committee to express their opposition to S. 207. So more consideration is needed of these issues before we move forward on such important legislation.

Next Tuesday morning, on April 16, we will have in witnesses and hear the views of the Commodity Futures Trading Commission, the Treasury Department, the Securities and Exchange Commission, and the Federal Reserve Board on S. 207. As I say, we have pushed other things aside—very important things aside—in order to take this up on an expedited basis.

At that time, we will ask the regulators to state their views on S. 207 as it was reported out of the committee, as well as the Treasury-CFTC substitute, which I understand will be offered as a manager's amendment.

Further, I understand that Senators WIRTH and BOND have a substitute amendment that attempts to resolve many of the concerns that have been raised about S. 207. Their proposal should be considered and compared with S. 207 as it was reported out of committee, as well as compared with a possible manager's amendment.

It just would not be proper and it would not be fair to the Senate to bring a matter of this high degree of complexity to the floor until that kind of serious and focused work is done. So we have to proceed in a fashion that allows that it will be done.

I might further say to the Senator from Missouri, I want to commend him for his leadership on this issue. He is on the floor now: Senator BOND. He has worked very hard on this over a very long period of time. He worked with Senator Heinz, endeavoring to try to find an answer to this, over a year ago. We came very close at that time.

I appreciate the leadership that was given then, and I am very mindful of the effort that went into this, and in effect is continuing at the present time. So I want to be sure that that effort, supported by the Senator from Colorado, Senator WIRTH, and others, perhaps, as well, perhaps the Senator from Kansas; I am not sure about that, but we want to make certain we have moved in a fashion here where all these issues are out on the table.

We should move in an expeditious way, but we are not going to run over the edges in terms of a full and careful examination of these issues. When we have a letter from the Chairman of the Federal Reserve expressing his reservations about aspects of the Agriculture Committee bill, and we have a letter from the Chairman of the Securities and Exchange Commission likewise expressing his reservations—both of which I will make a part of the RECORD—and other letters from other major parties of interest expressing their concerns, then obviously we have to take the time to do this carefully and to do it in a way that will stand the test of time.

I am for making what adjustments we can agree are prudent and sound, and will help us and will give us stronger markets and give us more vibrant markets and give us more economic growth in the future. But we are going to have to take the time required to understand precisely what we are doing.

This is a highly technical area of the law. Rhetoric and passion and sophistry cannot settle these issues; these need thoughtful, quiet, careful, thorough examination. That is exactly what they are going to receive from our committee.

When we feel we have a body of information that is sufficient to bring here to the floor for our colleagues to consider with respect to the part of this that falls within the Banking Committee's jurisdiction, we will bring it here. There is no predisposition one way or the other in our committee to try to tilt this legislation here. It is to make sure all the facts are on the table and we know what we are doing, because everybody is going to have to live with this vote. And the implications of it are very important, making sure we have it right in terms of just the good, sound impact on our economy in the future.

I do not know if the Senator from Missouri would like me to yield, but if so, I am happy to yield to him. Or I will yield the floor shortly if he does not so desire.

Mr. President, I ask unanimous concent that the letter to which I earlier referred be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SECURITIES AND EXCHANGE COMMISSION,
*Washington, DC, March 15, 1991.*

Hon. DONALD W. RIEGLE, Jr.,
*Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN RIEGLE: Last week the Senate Agriculture Committee marked up S. 207, the "Futures Trading Practices Act of 1991". The provisions of Title III of S. 207, entitled "Intermarket Coordination", are highly restrictive and seek fundamentally to restrain competition. Title III of S. 207 also contains provisions that would alter the basic jurisdiction of the Securities and Exchange Commission ("SEC") as it has existed, in large part, since enactment of the Securities Act of 1933 and the Securities Exchange Act of 1934. This letter presents my views on the effect that Title III would have, if enacted, on the jurisdiction of the SEC and, more broadly, on the competitiveness of U.S. securities markets.

The impact of this legislation would diminish the vitality and competitiveness of U.S. securities markets internationally. It would also weaken their ability to facilitate the raising of capital for U.S. businesses at the lowest possible cost. As a result of this codification of the most expansive possible interpretation of the commodities laws, most new innovative hybrid securities products, as well as an unknown number of banking products and swaps transactions would, in effect, become illegal if traded or sold anywhere other than on a futures exchange unless licensed or approved by the Commodities Futures Trading Commission ("CFTC"). New products would be barred from heretofore open and competitive markets unless market participants engaged in lengthy and expensive regulatory proceedings to prove to the CFTC that these products should be allowed to exist.

PURPOSES AND EFFECTS OF TITLE III ON SEC JURISDICTION

Under the language of sections 302, 303 and 304 of S. 207 as marked up, for the first time in history, trading in securities on the nation's securities exchanges would depend, by statute, on the affirmative action of an agency other than the SEC. For this reason, these provisions of S. 207 represent a fundamental and highly significant change to the nation's securities laws.

If enacted, this legislation could be read to transfer one of the SEC's most important and fundamental responsibilities, that of defining "securities," to the CFTC. As a result, the jurisdiction of the SEC would be permanently reduced, to the detriment of the SEC's ability to apply a coherent system of securities laws to future development since the nation's capital markets.

S. 207 would also appear designed to transfer jurisdiction over index options products currently listed on the Chicago Board Options Exchange, American Stock Exchange, New York Stock Exchange, Philadelphia Stock Exchange and Pacific Stock Exchange (and perhaps even options on individual securities) to the CFTC. New section 4c(g)(B) of the Commodity Exchange Act ("CEA"), added by Section 303 of S. 207, specifies that any transaction "in or involving a commodity regulated under this Act . . . shall be subject to regulation by the [CFTC]." Since stock indexes are treated as commodities for purposes of the agricultural laws, this provision appears designed to transfer regulation of the index options markets from the SEC to the CFTC. Trading in such index options last year exceeded $2.5 *trillion*, making them the largest derivative markets for U.S. equity securities. Oversight of the nation's options trading markets has been the exclusive function of the SEC since 1934.

Title III also subjects the very large and highly competitive swaps market, in which major U.S. banks and securities firms are principal participants along with U.S. corporations, to the agricultural laws of the United States under the jurisdiction of the Agriculture Committee. Similarly, S. 207 provides for exemptions from the CEA for many, though perhaps not all, "demand deposits, time deposits, or transaction accounts" within the meaning of the federal banking laws. By stipulating the conditions under which an exemption from the exclusivity clause of the CEA may be provided, S. 207 appears designed to create the impression that jurisdiction over these banking and securities products has been transferred, at least in part, to the CFTC.

Many provisions of Title III of S. 207 appear to have been drafted just before markup, without ever being the subject of hearings and without the participation of the SEC. The effects of these provisions, which would represent a very significant transfer of jurisdiction, may simply be the unintended consequences of hasty and ill-considered drafting. Nevertheless, they may do enormous damage to the securities, options and swap markets, which compete with futures

exchanges, if the process moves too rapidly for thorough study of the effects of Title III.

TITLE III IS NOT A "COMPROMISE"

As you know, last year Senators Dodd, Heinz and Bond of the Banking Committee reached a compromise with Senators Leahy and Lugar of the Agriculture Committee. The compromise concerned, among other things, the reforms necessary to curtail the flagrantly anticompetitive "exclusivity clause" of the CEA.

The staff of the SEC worked together with the staff of the Senate Banking and Agriculture Committees for literally hundreds of hours to perfect the necessary legislative language to implement this compromise. This language was formerly included in Title III of S. 207. The SEC testified in favor of this draft language in a hearing held before the Agriculture Committee on February 7, 1991.

At some point between the hearing on February 7 and the markup by the Agriculture Committee last week, the carefully developed compromise language of Title III was replaced completely by the current language of Title III of S. 207, which we understand was still being written during the night before markup. The SEC never testified concerning the new "midnight language", and we did not receive a copy of it until completion of the markup. Indeed, to my knowledge no hearing has ever been held in any committee of either the Senate or the House of Representatives to consider the impact of this language on the nation's securities, banking, swaps and other financial markets. Instead, apparently the future development of the American capital markets is to be governed by the agricultural laws of the United States without consideration whatever of the effect that this change may create.

Title III of S. 207 now represents no compromise at all. Rather, Title III will be read as codifying the most expansive imaginable application of the exclusivity clause. Ideally, those who have promoted the new language can come forward in the open and provide explanations for why it represents sound public policy. After public consideration of the impact of this legislation, Congress would be in a better position to determine whether to continue to allow the agricultural laws to be used to drive innovative new financial products out of the capital markets of the United States.

PROBLEMS WITH TITLE II

Moreover, Title II of S. 207, for the first time in history, would grant the CFTC jurisdiction over broker-dealers registered with the SEC under the Securities Exchange Act of 1934 where any such firm is affiliated with a futures commission merchant ("FCM"). Section 272 of Title II of S. 207 contains provisions designed to create holding company oversight over the affiliates of FCMs in a manner very similar to the authority granted to the SEC by Congress last year as part of the Market Reform Act initiated by the Committee on Banking, Housing and Urban Affairs. In the absence of any provisions that the rules and requirements of the CFTC applicable to the broker-dealer affiliates of FCMs would be conformed to the pre-existing reporting obligations of broker-dealers to the SEC, enactment of Title II would impose substantial additional regulatory costs on securities firms.

The additional and possibly very substantial new regulatory costs that Title II would impose on securities firms would come at a time when earnings are under very great pressure, and when more than 60,000 jobs have been eliminated in the industry as a whole. Given that FCM subsidiaries of broker-dealer holding companies are typically trivial in size compared with their broker-dealer affiliates, and that holding company oversight already exists for such firms, it is not clear why broker-dealers or their holding company affiliates within the jurisdiction of the SEC should be subjected to such unnecessary regulatory controls and related expenses.

CONCLUSION

In the view of the SEC, it is bad public policy to severely restrict the flexibility of banks and securities firms to design new instruments to serve the financial needs of businesses across the United States as would occur under the provisions of S. 207. I personally believe that the needs of our markets should not be sacrificed to domestic protectionism for any group. Ideally, we should seek to strip away anticompetitive laws like the exclusivity clause, not strengthen and extend them.

At a minimum, however, any decision to so dramatically narrow the traditional functions of the SEC and the flexibility of our securities markets should only be made after public hearings and full consideration by the Committees with responsibility for the financial laws and markets of the United States. Indeed, this legislation would appear to render the reauthorization of the SEC later this year much less meaningful. Whatever you and the Committee can do to restore fairness and order to the legislative process with regard to these proposals so important to the securities laws and markets will be most appreciated.

Sincerely,

RICHARD C. BREEDEN,
*Chairman.*

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BOARD OF GOVERNORS, OF THE
FEDERAL RESERVE SYSTEM,
*Washington, DC, March 27, 1991.*

Hon. DONALD W. RIEGLE, Jr.,
*Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC*

DEAR MR. CHAIRMAN: Thank you for your recent letter requesting my views on Title III of S. 207, the Futures Trading Practices Act, as reported out of the Senate Agriculture Committee. In that letter you ask several specific questions about the regulation hybrid instruments, including swaps, prescribed by the bill. I would like to focus on those matters on which I believe I can be of most assistance to you and give special attention to the treatment of swaps and deposits.

As I have noted in testimony and previous correspondence on these issues, various problems arise from a basic principle underlying the current approach to the implementation of the Commodity Exchange Act (CEA), under which instruments with elements of futurity may be considered to be futures contracts and therefore required to be traded on futures exchanges. This approach has led to confusion in financial markets and involvement of the courts, of which the situation involving index participations is a good example. The developers of new financial instruments—including risk-shifting products—are responding to perceived economic needs, but the uncertainty about the treatment of new financial instruments in the United States under the CEA tends to discourage such efforts and to give an edge to financial centers abroad.

Clearly, these provisions of the CEA are in need of repair, and I commend the Senate for seeking to make needed changes. However, as I indicated previously, the approach taken by S. 207 will continue to preserve impediments to innovation in hybrids and risk-management products and may well forestall developments in swap markets that could reduce systemic risk. The 50 percent value test embodied in the bill is arbitrary, as will be any procedure for determining the value of the commodity component of a financial instrument, and could yield anomalous results for similarly structured instruments. The exemptive authority given to the Commodities Futures Trading Commission (CFTC) under this bill is narrow and in some cases would prohibit the Commission from making appropriate exemptions. The hearing requirement could lead to a cumbersome exemptive process which itself would pose an obstacle to innovation. Further, the use of regulatory exemptions, once granted, itself creates uncertainty, as they may be revoked at a future date.

Instead of this approach, which seeks to exempt certain hybrids from the CEA, it would be preferable, as I have noted previously, to allow such instruments to trade on markets selected by the parties. Thus, equity-related derivative products could trade on either securities or futures exchanges and banks and other financial institutions could offer commodity derivative products where appropriate prudential and investor protection safeguards are in place. In this way, owing to different customer bases, similar products could evolve in ways that best meet the needs of those customers.

In the case of the swap markets, I am concerned not only about the potential adverse effect of S. 207 on competition and innovation but also about its potential to impede the development of netting arrangements designed to reduce counterparty credit risks and, therefore, systematic risks in the financial markets. Last November, the Governors of the central banks of the Group of Ten countries released a report that concluded that netting arrangements, if properly designed, have the potential to reduce the size of credit and liquidity exposures incurred by participants in interbank and other wholesale financial markets, including the swap markets, and thereby contribute to the containment of systematic risk. However, the provision of S. 207 that limits the exemptive authority of the CFTC to swap agreements that are "not designed to and would not result in a trading market in the swap agreement" could prevent the development within the United States of multilateral netting arrangements for swap obligations. Other conditions of this swap exemption authority may also result in a failure to exempt certain existing swap transactions. The enactment of these provisions could push multilateral netting arrangements for swap obligations and the swap markets themselves offshore.

Proponents of the prohibition of multilateral netting of swap obligations have argued that such a system would, in effect, be a futures exchange and, therefore, should be subject to CFTC regulation. There are important differences, however, between a traditional futures exchange and the multilateral netting systems that have been developed in other financial markets. Participation in these netting systems generally is limited to commerical banks and other regulated financial institutions that traditionally have taken an approach to risk management that is fundamentally different from the approach

used by futures exchanges. In designing multilateral netting systems, generally these institutions have adopted decentralized systems that preserve incentives for bilateral risk management (by allocating losses from a default in the first instance to the original counterparts of the defaulting participant) rather than adopting the centralized systems used in the futures industry that mutualize losses without regard to the original counterparties. For such decentralized systems, the regulatory framework developed by the CFTC for futures exchanges seems inappropriate. The case for CFTC regulation is further reduced if those other systems are subject to regulation by another federal agency.

In addition to extending the coverage of the act to swap transactions, Title III also suggests that the CFTC will have jurisdiction over some depository instruments and lending transactions. We do not believe that it is appropriate for banking activities of the federally regulated institutions to be subject to the jurisdiction of the CFTC. Banks are subject to a comprehensive system of federal regulation designed to ensure the safety of the institutions and to protect their customers; there is no need to impose another layer of regulation on their activities, especially where that regulation is designed the meet concerns that are not relevant to banking activities. Further, the bill could be read to preclude banking regulators from overseeing banking transactions that are exempted by the CFTC, a situation that would be inadvisable.

I hope you find these comments to be helpful.

Sincerely,

ALAN GREENSPAN.

Mr. BOND. Mr. President, I thank the distinguished chairman of the Banking Committee. I would say just a very few things.

No. 1, I appreciate the great work he has done and the tremendous effort to convene this hearing. I think it is going to be important for all of us to find out what the regulators, what the experts in this area, have to say.

Second, I had indicated to the majority leader that I personally had no problems with agreeing to proceed at 2:15 next Tuesday. I am advised that there are other Members who do have such objections. So I wanted to put the majority leader on notice that there may well be objections. I am not personally raising them, but I believe there are others who may object to that unanimous-consent request.

Having said that, I also want to commend my former chairman, the distinguished Senator from Vermont. There were at least three things he said that I agree with. Obviously there were several more I did not agree with.

First, we must move forward to tighten up the regulation in the futures market. I think that is vitally important. I wish we could have done it last year. We must do it, and we ought to do it this spring.

Second, he said we should not hold this up because of a narrow interest, or the interest of some particular individual or individuals. I agree with that, and I do not think we have any intention of doing that.

Third, he said the original bill which reflected our agreement, which he introduced, was a good one and we should have passed it. And I totally agree we should have passed it. The fact that a number of parties were uncomfortable with it suggests that maybe we had hit the perfect compromise that leaves everybody slightly sullen. However, we did not get that achieved.

The point I make is that the measure which came out of the Banking Committee reflected a proposal, as I understand it, from the CFTC. I do not believe there were hearings on the proposal as it came out in the amendment. I understand there was less than a quarter of an hour discussion in the Agriculture Committee on the amended title III.

Moreover, we had just received copies of an additional modification that came either yesterday or the day before which suggests some additional changes with respect to swaps that had apparently been worked out by the Treasury and the CFTC. Senator WIRTH and I intend to provide a comprehensive substitute amendment which will, we hope, go back to the basic concept which framed the agreement that we had sought to put into legislative language last fall. I hope that all Members will take a look at it, No. 1, and will review very carefully the letter of March 27 from Chairman Alan Greenspan to Chairman RIEGLE of the Senate Banking Committee. As complex and as difficult as this issue is, if my colleagues would only read that letter, I think they would get the flavor of some of the problems we hope to be able to fix by an amendment.

My hope is that by getting started on this measure, we will get the regulators back in the room and get the people who are experts in this matter to hammer out among themselves the tremendously complex details that ought to go into an effective resolution of this issue. A few years ago, the Johnson-Shad accords settled other disagreements between the CFTC and the SEC with respect to jurisdiction. Frankly, I doubt that there are more than one hand of fingers of Members who can explain to you the Johnson-Shad accords. I assure my colleagues that once we get into the details of title III, there are going to be many people who would require a great deal of time to understand it thoroughly.

I hope that by working toward moving forward next week on this bill, giving the regulators a deadline, presenting both sides of the argument, we could have the regulators come up with the details which would make it unnecessary for us to try to debate and vote on extremely technical changes and differences in this body.

However that comes out, in any event, I personally am most happy to go along with Chairman LEAHY's desire to have it all out on the floor, vote the amendments up or down, and I hope ultimately vote the bill out. I think we must get on with it, and I strongly support the position of the chairman of the Agriculture Committee in that regard.

Mr. DECONCINI. Madam President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

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## WHAT HAPPENED TO PRINCIPLES?

Mr. DECONCINI. Madam President, the war in the Persian Gulf has been won, yet Hitler remains in power. That is the situation we find ourselves in today in Iraq. To compound the moral dilemma, as A.M. Rosenthal wrote in the New York Times last week, "They are killing the Jews again. This time the slaughter, the torture and the forced marches to death are taking place in Iraq and the killers have different names for the Jews. They call them Kurds and Shiites as they spit in their faces and tear the beards of men and throw the women down for rape, before the day's killing."

I did not vote to authorize force after the lengthy and I thought deliberate debate in the Senate. At the time, I believed in the merit of the argument that sanctions had not yet had time to work. Also, it was not clear to this Senator whether the war would guarantee the removal of Saddam and a clean end to the despotic rule he has imposed in that part of the world. Yet, once the President committed U.S. forces to offensive action, I wholeheartedly supported the troops and the President's policy. As a member of the Defense Appropriations Subcommittee, I strongly supported the necessary funding requests for our forces to get the job done. President Bush and the brave, well-trained American servicemen and women earned a brilliant military victory in the Persian Gulf. Kuwait has been liberated. Iraq has apparently pledged to accept the United Nations' imposed cease-fire with its stiff terms. Yet it appears that this victory may be a hollow one. The job is not yet done.

President Bush spoke eloquently before and during the war about the need for a "new world order." He correctly framed the debate in terms of moral principles, not oil. He described our objectives in the region as the liberation of Kuwait and the pursuit of freedom from Iraq's tyrannical violation of international law which that country had imposed on others. These principles, he argued, are the ones under which our Nation was founded and in which the American people believe.

President Bush also called upon the people of Iraq—all of the people—to remove Saddam Hussein, their modern-day Hitler, from power. On February 15, in a speech at the Ray-theon Missile Systems Plant, President Bush called upon "the Iraqi military and the Iraqi people to take matters into their own hands to force Saddam Hussein, the dictator, to step aside and to comply with the United Nations resolutions." Yet, when the Iraqi people heeded his call, President Bush acted like Ronald Reagan walking away from a helicopter. He cupped his hand to his ear and mouthed the words, "I can't hear you."

The man who called for ending Iraq's aggression on moral grounds became blind, deaf, and dumb. He became blind to the sight of thousands of women and children stumbling into American hospitals after being attacked by Iraqi forces. He became deaf to the cries from the Kurds for assistance in their attempts to topple Saddam. And he became dumb when the world began to ask why a nation so eager to go to war to end one aggression was so slow to respond to another aggression—from the same regime.

The media has speculated that the President and his intelligence advisors had counseled the Kurds into planning military action against Saddam. This is not beyond the realm of possibility. In the mid-1970's, the CIA provided arms to another group of Kurds in Iraq to fight Saddam. An article in the Washington Post details the establishment of clandestine radio broadcasts into Iraq after the invasion of Kuwait compelling the people, including Kurds and Shiites, to rebel.

Regardless of actual contacts between the Bush administration and the Kurdish rebels.

This intrepid brand of Iraq Kurds and others were inspired by the President's words, our President's words. These long-suffering people proved their worth in battle and made significant progress in just a few weeks' time. They took advantage of the chaos among Saddam's Republican Guards and captured key cities, Kirkuk and Irbil. They also asked for our assistance, any kind of assistance. The request fell again on deaf ears.

In reality the rug was pulled from under them by an administration which only weeks earlier had implicitly rallied them to arms to overthrow Saddam Hussein.

I understand the concerns that by supporting the Kurdish rebels we would be dragged into another Vietnam-type situation. There are creative methods and channels however to assist rebels and others opposed to Saddam Hussein without committing U.S. forces. We apparently provided the Kurds with arms in 1975. After the cessation of hostilities last month we could have turned over to the rebels captured Iraqi equipment. We could have provided air cover for the rebels to prevent Iraqi troops from using their helicopters against them.

After all, Iraq violated its vows to use its helicopters solely for transporting government officials and supplies. It used them as gunships against their own people. Even General Schwarzkopf admitted that he was suckered by the Iraqis on this particular issue. We therefore should not feel constrained from responding.

It also has been reported that the Kurdish leadership officially requested the Bush administration to allow its volunteers to fly captured Iraqi Mig's. I am not aware that this request has been acknowledged even as of today.

All that is required is some creative planning on our part. But this planning has not taken place even as of today. In fact, the administration even ignored the initial pleas for help from the refugees facing genocide who fled to the borders of Iran and Turkey, and who are being slaughtered by helicopter gunships manned by Saddam's elite forces.

But it was the French and the British who raised the issue in the United Nations, not our own Government. It is also the British who are now calling for an area of Kurdish autonomy and safe haven in northern Iraq. We may get dragged into finally supporting that. Is not it long overdue?

Where is the leadership that we once had in successfully prosecuting a war, bringing it to a conclusion, and extracting and forcing the Iraqi military from Kuwait? Where is the U.S. leadership?

We were great in leading the war. Indeed we were. But what about U.S. leadership on peace?

This was a war about principles. We went to the United Nations and we argued our cause on the basis of these salient beliefs. Why then does the administration not raise the principle of human rights at the United Nations when Saddam is committing genocide on his own people? Is this yet another example of the Bush administration making policy as it goes along?

It seems to me it cannot be the logical conclusion. The Iraqi troops were in their elements, shooting and gasing fellow Iraqis who happened to be Kurds or Shiites. These are the same brave troops who crumbled and fled under the lightning attack of the U.S. forces in the international coalition. These feared Republican Guards are quick to use phosphate weapons against helpless women and children. It is easy to win when you shoot your target in the back.

Instead of the ounce of prevention which President Bush could have offered the Kurds in their fight against Saddam Hussein he seems to have settled for a pound of cure. He has suggested a little more than $10 million in refugee assistance for these estimated half-a-million Kurdish and other refugees. But this is just a downpayment on the hundreds of millions of relief dollars which will be needed.

Just 2 years ago Senator BYRD and I were successful in having $5 million appropriated for the Kurdish refugees who fled into southern Turkey from Saddam Hussein's last chemical attack. While Congress and the State Department heeded the Turkish Government's call for aid to the refugees, the Turkish Government unfortunately refused to allow this and other international assistance to be distributed to the refugees.

The money President Bush now offers is a Band-Aid approach to a problem which requires major surgery. In what could have been a defining moment in U.S. history, the Bush administration has returned to its old practice of developing foreign policy as it goes along.

A couple of days ago Secretary Baker flew to the Turkey-Iraq border to witness the refugee problem firsthand, and I am glad he did so. I congratulate him on going there and seeing these people as I have seen in the refugee camps in eastern Turkey of Kurdish refugees who have been gassed and run out of their own country. I congratulate him for doing it.

I was there. I saw it, and I know what he saw. And it absolutely shakes you to the marrow of your bones.

I am convinced that this trip of Secretary Baker was a last-minute addition to a schedule because of the pressure the administration has been receiving on this particular issue. If the administration had demonstrated a little foresight and planning perhaps we would not be facing this horrendous refugee problem. But the problem is real. It must be confronted forcefully. Once again it is the case of too little too late because the administration is constructing its foreign policy on an as-it-goes basis and not with any foresight and long-term planning.

I am truly outraged. I encourage the Bush administration in the strongest possible terms to tell Saddam Hussein to end his genocide of his own people within a specified timeframe or face removal by U.S. forces if necessary. This action can be justified. U.N. Resolution 678 authorizes the use of "all necessary means * * * to restore international peace and security in the area."

Saddam Hussein's continued brutal attacks against the Shiites, Kurds, and other opposition forces are preventing peace from coming to this region. His actions force the United States and other coalition members to maintain a military presence in the area. Also opportunistic forces from Iran and Syria are taking advantage of the turmoil within Iraq to improve their own international standards, and in the long

term this does not bode well for regional international peace and security, which was our goal in the first place.

Our troops are already in Iraq. The argument is that you cannot meddle with the internal affairs of a country. We are already there. We are inside that country with a sizable military force. It is not like we are on the outside suggesting that we invade, or we go in. We are already there.

They have told reporters that they feel powerless and frustrated—our own troops as they watch the Republican Guard forces fire tank rounds into hospitals and shell hundreds of civilians in refugee camps who huddle in the ditches and alongside the road. This is what our troops who are there in Iraq, not outside, are telling the news media and the American people.

A U.S. Army captain from Toledo was quoted in the Washington Post on March 31 saying that an 18-month-old girl was "shot with a pistol in her chest," up close enough so the powder burn could still be seen.

Another soldier expressed his frustration by saying "There isn't a soldier here who does not want to finish it. They hate this." S. Sgt. Jonathan Santy talked about the Iraqi citizens he had met who were fleeing their country and he voiced his concern that "If Saddam Hussein remains in power these people will truly be destroyed. I do not see Saddam letting these people live and continue and come back to the country. Does anybody?" In essence, our troops feel that they are prevented from completing the job they were sent to do, a job that they did very well.

If the President refuses to issue this ultimatum to Saddam Hussein, then he must fully explain to the American people and to the world the administration's policy and future goals for this region. Where is that new world order?

What is the President's vision for this region of the world? Do we have a blueprint for the future, or even a road map to indicate the direction we are going? Can President Bush look the United States soldier currently in the buffer zone in southern Iraq in the eye and justify his lack of action? Can he congratulate these men and women for fighting the good fight in January and February only to allow Saddam Hussein to gas his own people, commit genocide, and ruthlessly remain in power in March and April of the same year?

I also urge President Bush, at the very least, to use his authority to ensure the broader issue of the Kurdish human rights and self-determination is made an integral part of the regional peace talks. The Kurdish people must not be forgotten once again, as they have been in the past.

In fact, President Bush could expand upon the concept of a safe haven in northern Iraq. He could call upon the United Nations to establish an independent semiautonomous Kurdish entity in this region. This area, whose security could be guaranteed by U.N. forces, would provide a homeland for the Kurds and a sanctuary for a people which has known only suffering and animosity through almost all of their history.

It also would ease the crush of refugees currently crossing the border into Turkey and Iran. This would do that if they had a safe haven, one that was going to be backed up by the United Nations and the United States, if necessary. It would be a costly effort but, again, a principle that this country could stand tall, as we did in the end of February when this war came to a conclusion at that time.

I recognize that taking this step would cause considerable concern within the Turkish Government and others in the region. But again, this is a moral issue. It must be raised with our friends as well as our adversaries.

In the end, human rights must be respected. The United States can stand tall, and does stand tall, in the world because it has never relented on talking about human rights, particularly in Eastern Europe and the Soviet Union.

Where are we when it comes to human rights in the Middle East? In our beliefs as Americans, we need a vision and leadership, and we need that leadership and vision to include human rights.

Madam President, if you do not do this, we send the dangerous signal to Saddam Hussein that it is once again business as usual in the Middle East, that human rights only apply in Europe, or in other areas, but not here. We won a war on a principle, and even maybe human rights was discussed during those debates. But now that the war was won, and the Iraqis are out of Kuwait, where is the human rights issue now? Not to be discussed. Not to be impressed by the President of the United States. Not to be a fundamental moral principle, once again, as it relates to dealing with Saddam Hussein.

We tell those who are oppressed in the rest of the world that the United States lacked the backbone to resolve the tough issues which cannot be easily resolved at the end of a gun. We say human rights one day, yes; but the next day, no. Human rights as to the Kuwaitis so that they can have their country back? Absolutely.

This Congress supported the President unanimously in his action, once he took that action. And yet, that "Hitler," Saddam Hussein, is still in power. Where is the human rights principle now, as it should be applied against him? We are losing more than we know by not finishing the job. It is one thing to win the military war; it is something else to lose the peace.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

## TRIBUTE TO SENATOR JOHN HEINZ

Mr. D'AMATO. Madam President, yesterday, I, along with the vast majority of my colleagues, attended the funeral services in Pittsburgh for Senator John Heinz.

Many things were said about Senator Heinz and his career in words eloquent, elegant, and true. I have in mind especially the moving tribute by the Senator from Colorado, and the beautiful and stirring sermon of the Senator from Missouri, who presided.

No attempt to duplicate or surpass those words would be appropriate, and none will be made here. Instead, Madam President, I want to take a moment to engage in a personal recollection of this extraordinary man who was my colleague and became a friend.

What I found in John Heinz, in over 10 years of working together, was a bright and invariably well-prepared, stunningly hard-working, and deeply committed public servant who managed to be all those things with grace.

I came from different circumstances than John Heinz. But then most people do. Some are born with the proverbial silver spoon in their mouths; some of us, perhaps with toothpicks; John Heinz had the whole place setting. What set John Heinz apart was not his many blessings, but how he applied them and shared his talents and gifts.

Much of my association with John Heinz was through our work together on the Banking Committee. Madam President, you and I know that in this body we are all students. We learn, each from one another, and we share our experience. John Heinz was, by education, training, experience, and natural facility, a real expert in the often arcane world of finance, financial institutions, and securities regulation. He had a deeply grounded understanding, born of broad study, careful thought, and rigorous intellect many of us—certainly this Senator—benefited from his knowledge and expertise.

What helped make him my friend, and the friend of many, was how he shared it. His knowledge and his astute insight were freely offered—sometimes to persuade, always to inform, never to dominate, embarrass, or condescend. Like the staff that he strictly trained, of which he demanded so much and was so proud, he was always helpful.

We did not agree on everything. But I have to say that he and I came to agree on more and more things regarding issues before the committee, as time went on. At the very least, I always learned from him and his positions; even on things on which we disagreed usually helped clarify my own thinking.

No one who served on a committee with John Heinz will forget his incisive persistence. His questions often were like barbed hooks: complicated but pointed. And woe to the panelist or witness who tried to bluff or extricate himself with a glib, superficial response. He found the Heinz hook hard to extract.

But neither that hook, nor anything else from John, was envenomed. Never in alliance or enmity did I hear rancor from John Heinz. That was part of his grace.

It is particularly ironic that the committee and the Senate lose Senator Heinz as we face several complex and critical issues—new banking powers, further dealings with the ongoing S&L crisis—in the months ahead. He anticipated many of the problems we will now have to resolve. In fact, over the last few months, John and I had had frequent conversations about how to address them and found much more common ground in our concerns. As usual, I learned a lot from his thinking. We had looked forward to working together to meet some of these seemingly intractable challenges.

Tragically, we will not get that chance. His keen analysis, his institutional memory, his stubborn impatience with the poorly thought-out, and, especially, his unique grace, will be sorely missed in that debate.

I cannot say much more that has not already been said about John Heinz elsewhere and probably better. But to me personally, he represented this body and the best, I think, that we hope is in each of us: Commitment without zealotry, independence without spite, integrity without an ounce of self-righteousness.

He was gifted, giving, and utterly honest.

Madam President, I look around this Chamber on an average day and see all of these qualities. It is hard to imagine soon again seeing, as when John Heinz was here, so many in one man. I will miss him.

[Applause in the visitors' galleries.]

The PRESIDING OFFICER. The Senator from New Mexico.

If the Senator will withhold a minute, the Chair would like to advise those watching the proceedings of the Senate that applause, and other demonstrative means, is not allowed within this Senate, though the Presiding Officer recognizes the depth of feeling that was expressed in acknowledging an equally eloquent expression of a depth of feeling.

The Senator from New Mexico may proceed.

## U.S. HUMANITARIAN AID TO IRAQI REFUGEES

Mr. BINGAMAN. Madam President, we have watched over the last week as the plight of the Kurdish refugees from Iraq has gone from bad to worse. Questions of whether we should have continued military action with Desert Storm longer than we did, or whether we should have denied Iraqi forces the use of the air against the Kurdish, will only be answered by history. However, we can, here, today, answer the question of whether the United States bears some responsibility for the Kurdish refugees. We do bear the responsibility of aiding these people, of doing what we can to ensure that they are not starving, and not freeezing to death, or dying of disease due to the conditions of the camps along the border.

We bear that responsibility not only because of what we did in the Persian Gulf but because of why we did it. Because it is here, in the faces of these men, women, and children living in terrible conditions along a desolate border, where the new world order really begins. We flexed our muscles and showed the world that aggression will not be tolerated. Now we need to open our hearts and show the world that we will fulfill our responsibilities in peacetime as well as in war. It is past time that the United States lift its full part to aid these refugees and begin providing humanitarian aid with the same enthusiasm with which we provided military aid.

Madam President, by March 27 Iraqi forces had defeated the Shiite rebels in the south and begun attacks against Kurds in the north. By April 1 the Kurdish rebels had been forced into retreat. On April 5 the United Nations adopted Resolution 688 calling upon Iraq to stop its attacks against Kurds and seek a dialog with the rebels, the same day that the first of the refugees began crossing the Turkish border. The trickle of refugees during the first few days of April quickly became a flood; yet little was done to assist them.

As of last Monday, April 8, Turkey and a handful of other countries had provided $67 million in aid to the refugees, which presumably included the $11 million in aid President Bush proposed on April 5. On April 8 Secretary of State Baker saw firsthand the terrible conditions in which the refugeees are living; at the same time an assistant to the U.N. High Commissioner for Refugees was describing the U.N. relief efforts to that point to be totally inadequate. The European Community responded by immediately pledging $180 million in aid.

The United States, also, has undertaken a relief effort over the last 2 days. The U.S. Air Force has been active in air dropping supplies provided by the international relief effort, and efforts are under way to identify more supplies that could be gathered and air dropped to the refugees. The United States is responding to the plight of the Kurds, but it is late, and it is simply not enough. A reported 1.5 million Kurdish refugees have entered or are trying to enter Turkey and Iran. As the numbers swell, the U.N. relief effort remains inadequate, and the U.S. response continues to be dwarfed by the magnitude of the suffering.

Madam President, if the United States can mount an international effort to oust Saddam Hussein from Kuwait, surely we can mount an international effort to provide food and shelter to helpless refugees. We can help these people, and we must help these people, but to do that requires leadership, a leadership that we have not seen from the administration. We must lead by example, as we did in Desert Shield and Desert Storm. An immediate, large-scale effort to provide aid must begin now. We must begin now to bring the international community together to focus on the plight of the refugees, just as we brought the international community together to focus on the plight of the Kuwaitis.

This is where the new world order begins, Madam President. The international community reacting to a threat, as it did to Saddam, is one thing. The international community reacting to fellow humans who are suffering is another. I hope that we will react with as much unity and sense of purpose as we did in Desert Storm. And I urge President Bush to provide the leadership.

## JOHN HEINZ

Mr. BINGAMAN. Madam President, I would like also to make a few short statements about Senator Heinz, our former colleague.

I have heard many of the tributes that have been made today, and I did have the honor to attend the funeral service in Pittsburgh yesterday with many in this Chamber.

We all shared the admiration and affection that has been expressed for Senator Heinz, and it is as though we all recognized the finest tribute to this good man was the one which he himself offered in the life that he lived. A man of conscience and compassion, John Heinz directed his considerable talents and his resources and his enormous energy to the benefit of others. It was a privilege to know him and a pleasure to serve with him.

If it is true that "life is not so important as the duties of life," as John Randolph once said, then John Heinz succeeded brilliantly. He sought duty, and he carried it easily. For all his responsibilities, for all those duties, I think his finest achievement is the beautiful family he and Teresa created. Their sons are outstanding, as all who know them will agree. And their mother is a truly remarkable person. To those four people who were the center of John Heinz' life go our prayers that they will know some comfort and peace in the hard days ahead. I hope they will

know, also, that John's life was a great example of public service to us all, and that in itself is a wonderful legacy.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO] is recognized.

## SADDAM HUSSEIN'S GENOCIDE

Mr. D'AMATO. Madam President, today we have a beautiful memorial in the Capitol rotunda. It was a memorial to the 6-million people who lost their lives in the Holocaust. There were sentiments expressed of the fact that we will never forget. As part and parcel of that, it seems to me, are interwoven certainly an expression of our outrage and our shared outrage and our shared commitment to see that this kind of genocide, that was forgotten that somehow people looked the other way while it was taking place, never take place again regardless of to whom or to what group.

Madam President, I have to say to you I am shocked, I am appalled, I have a difficult time understanding how it is that this Nation and the world community indeed sits back again and allows genocide to take place, allows Saddam's killing machine to kill people, women, children, civilians, because they may be Shiites or because they are Kurds, because they are sympathetic to those who seek to break the shackles of oppression.

The world inaction today takes on even more ominous terms because there can be no excuse. People cannot claim that they do not see it or they did not know. It is happening. It is taking place.

So that beautiful memorial and all the memorials and tributes that we give in the name of those whose lives have been snuffed out really become empty rhetoric as long as we fail to deal with Saddam Hussein.

I am not going to get into the particulars of whether or not there should be an enclave to represent sanctuary for innocent women and children.

It seems to this Senator, though, that that would be a rather modest thing. It seems to me that the great power that the allies have in that region certainly could be used to stop the killing machine, and that he and his generals should be told quite clearly: If you are going to use your power against innocent civilians, we will crush that power. That is the voice of righteousness and the action of righteousness, not a lot of biased, sancitified prayers without backing them up with action.

How dare we talk about we are going to hold the memory of whoever has been oppressed in the Holocaust or in any other genocide dear and sacred, and we will never forget, when that is exactly what we are doing. Well, we are doing it in a much more despicable way because we turn our back on that which we see on our own TV screens.

Yes, the world may have claimed 50 years ago: We had no knowledge; we did not know. We never had any idea. Well, do we have any idea now? Do we make ourselves feel better because we are going to send $10 million or $20 million or $30 million or 50 million dollars' worth of humanitarian aid? Do we make ourselves feel better, and say: Who knows; we might have somebody who is even worse than Saddam Hussein.

I have reporters tell me, "Well, Senator; my gosh. Who will take his place?" Is that a reason not to deal with evil; not to crush him; not to stand up for those who are being oppressed?

Madam President, while we like to say how appalled and shocked we are, and we commit ourselves that never again will we allow this to take place, I suggest that all of us have a great deal of work to do to see to that that becomes a reality rather than empty rhetoric.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I thank the Chair.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 812 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JEFFORDS. Madam President, I yield the floor.

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. MOYNIHAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## MEMORIES OF OUR COLLEAGUE, SENATOR JOHN HEINZ

Mr. MOYNIHAN. Madam President, as have so many of our colleagues in the past days, I rise to speak of my memories of and deepest attachment to our colleague, the late Senator John Heinz.

Senator Heinz and I came to the Senate together almost 15 years ago. From the first, we served together on the Committee on Finance. Many shared interests that would have brought us together in any event provided an institutional setting in which we not only shared concerns but could act together. And over 15 years, which is a great gift in this Republic to have served that long in this body, there is no member of the committee with whom I worked more often, more closely than he.

I followed him so much—and I would want it recorded, as it often is overlooked, that for about half this time, Senator Heinz' party was in the majority and it was not only for leadership that we looked to him but, in a sense, for the ability to act in areas of such great concern to him. None took a greater priority than children and the health of children.

We were much involved in legislation all through those years and even now we are about to bring measures forward which I hope can still be done and which I hope the bill in particular—it is a freestanding bill but has also been incorporated in S. 4—it remains my hope that the bill may yet be named for him if we can provide passage in this year.

We worked on Social Security matters. He was chairman of the Committee on Aging, a select committee in this body, and he was as active and informed as anyone could ever be in the matters of the finance of the Social Security system and of the finances of the senior population of this Nation, if I can use that comparison. He knew what the income streams of elderly senior Americans were. He knew what aspect of those finances were provided through Federal pension benefits, and he was fierce in the protection of those benefits.

With the great candor that came from great confidence, he knew the Social Security system as an executive might. He was trained to business; he was trained to numbers; he was trained to understand cash flows, reserves, probabilities, actuarial expectations. He loved those numbers. You can only be good at them if you love them.

I stand here with the silent acquiescence of the distinguished Presiding Officer as one who has never learned to love numbers as one ought, but respect those who do and could love John Heinz for doing.

I do not mean in any sense to bring—it is not a partisan issue but an issue that does divide us among ourselves with respect to the merits. But at one point in January a year ago, he and I were on the "Today Show," the NBC morning show. We were together at the NBC studios here in Washington. We were being interviewed from New York by a person whose voice we could hear but we could not see. He and I were sitting together and at one point, the anchorperson in Washington said, citing a reference I had myself cited to an editorial in the Rochester Democrat and Chronicle, which had referred to the use of Social Security funds as if they were general revenue, I referred to this as thievery, and I had repeated that. The anchor then said to Senator Heinz, "Senator Heinz, would you agree with what is going on is thievery?" And he rose to that marvelous

executive indignant pose he could provide us on occasion and he said, "Certainly not, it's not thievery, it's embezzlement." That from the most authoritative corporate officer who has served in this body for many years.

He not only cared about the well-being of the aged, but he understood their finances, and he understood the finances of the Social Security system as no one I have known in this body. He could read balance sheets as if they were musical scores. They meant things to him. He could see scales, understand the weight of numbers. He could measure the proportion of balances in a way that only a very special, trained mind, with innate capacity and a very real training, could bring to such a discipline.

With all this that extraordinary sense of fun. He could not have done it so well if he had not enjoyed it. He could not have enjoyed it if it had not been fun.

We shall not see the likes of John ever perhaps in this Chamber. It may be part of American history that we leave behind a person, a man of social position, trained in the private sector of the economy, who in midlife entered the public sector.

As I said at the moment I heard of his death, if much was given him, he gave more, and much is given any of us who is fortunate enough to be born in this Republic in this century. Few will have returned in that sense as much as he did.

The hearts of all of us go out to his beloved wife Teresa and those three fine young men. Two of them clearly have their father's hair, and the other for the moment has chosen to have a crew cut, not instant evidence. But if they have anything like his heart and his brain and his sense of responsibility to his people, we are to be endowed in yet another generation.

He and I were neighbors, of course. I will never forget the first night I spoke with him on the floor about a regional matter. It was in the spring of 1977. There was a great storm in my part of New York where we happened to live, where the Susquehanna River rises. I came to him to say, "John, you should know that the Susquehanna is over its banks at Oneonta and on its way toward you." I could have told him that someone dear to him and loved by him was in danger. He responded, "If something's going to happen to Pennsylvania, I have to know about it."

It was not an abstraction. Pennsylvanians were not abstractions. They were his people. He was their Senator in a way few of us could ever achieve.

I would simply record how much in my view he is missed and how long I hope we will remember what he stood for and what he achieved.

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

The PRESIDING OFFICER (Mr. ROCKEFELLER). The clerk will call the roll.

The legislative 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.

## PROTECTION OF REFUGEES IN IRAQ—SENATE RESOLUTION 99

Mr. MOYNIHAN. Mr. President, for myself and Mr. D'AMATO and others, I send to the desk a sense-of-the-Senate resolution. There are 15 Senators who joined in an earlier resolution concerning the plight of the Kurds which I submitted on Tuesday: My distinguished colleague and friend from New York; Senator PELL, the distinguished chairman of the Foreign Relations Committee; and Senators BRADLEY, GORE, DECONCINI, BINGAMAN, FORD, LIEBERMAN, WELLSTONE, LEVIN, SARBANES, INOUYE, JEFFORDS, and KERRY.

Today I rise to introduce another resolution concerning this crisis. This resolution simply states that with respect to the situation that is developing in Iraq with the Iraqi Kurdish refugees in the northern part of the nation, it is the sense of the Senate that we support action of our Government in supporting the recent resolutioni of the Security Council. The Security Council has called upon the Iraqi Government to cease its extraodinarily brutal treatment of Kurdish refugees in Iraq at this time.

I would make one point—I ask the distinguished Republican leader if he would hear me on this, and I am sure he would agree with me—that the United States in supporting the Security Council resolution, which I believe was introduced by the French, called for a halt to these attacks. We are all aware that the attacks violate article 3, "Common Article 3" as it is called, of the Fourth Geneva Convention of 1949, and that is the convention relative to the protection of civilians in time of war. Each of the four Geneva Conventions has the same article 3. It is specifically provided that the absolute prohibition upon attacking persons "taking no part in hostilities" applies even in the case of a civil war. And this is a treaty of which Iraq is a part, of which we are a part.

It was our initiative, and it arises out of the Nuremberg Tribunals. As a treaty this is the supreme law of the land, and we must congratulate the President and his administration for taking this position at the Security Council.

Under article 25 of the U.N. Charter, member states are obliged to abide by such Security Council resolutions. The Security Council resolution found that Iraqi attacks internally had posed a threat to international peace and security. This is one of the very few times the Security Council has ever invoked that provision of the charter with respect to an internal matter.

It is an important action and deserves, in my view, to be acknowledged here in the Senate and to be supported.

This language, contained in Security Council Resolution 688, has important legal consequences. It triggers the provisions of chapter VII of the U.N. Charter. That is the section of the charter which deals with "action with respect to threats to the peace, breaches of the peace, and acts of aggression". Article 39 of the charter states that—

> The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

The Security Council has now determined that such a threat to the peace exists. It has ordered, not requested, not pleaded with, but ordered Iraq to immediately end this repression of the Iraqi civilian population and to cooperate with the Secretary General and humanitarian organizations in providing for the relief of Iraqi refugees. As I have mentioned, Iraq is absolutely bound by article 25 of the charter to obey this order of the Security Council. Yet Iraq has continued its attacks. We have some reports that in the last 2 days the Iraqi Army has not conducted operations against civilians in the extreme north of the country, but we have no assurance whatsoever that attacks on all civilians have stopped, that they will not resume with their former intensity or that Iraq will cooperate with the Secretary General and humanitarian organizations.

Under these circumstances the United States has the right to ask the Security Council to fulfill its mandate under the charter to "decide what measures shall be taken in accordance with articles 41 and 42 to maintain * * * international peace and security." It most certainly should do so. And swiftly, before there is further loss of life.

There are those who may argue that the Security Council will not act. This seems a curious argument given the history of the last 9 months. The Security Council, having shaken off the lethargy of the cold war, moved swiftly to enact chapter VII sanctions against Iraq when it invaded Kuwait. At the initiative of the French, it has now ordered Iraq to cease its illegal attacks on its citizens. If Iraq refuses, or if it fails to cooperate with the Secretary General and the U.N. High Commissioner for Refugees, chapter VII contains the tools to enforce the order of the Security Council.

Mr. President, the resolution I am introducing today strongly encourages

the administration to press the Security Council to enforce Resolution 688 immediately. The situation is desperate. These attacks are illegal. The charter, created in the midst of the greatest conflagration in human history, provides the tools to deal with a threat to the peace. With the cold war over we have seen a new willingness to use these tools to keep and restore the peace. If we are to have a new world order it must mean that we truly commit ourselves to using those tools. A blueprint for the new world order exists. It is called the United Nations Charter. It can, it should and it must be used to stop the illegal slaughter of the Kurdish people.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I am not certain whether there will be a unanimous-consent request propounded to consider the resolution, but I advise my colleagues there are a couple of minor areas we could resolve if we could get consent. Otherwise, I would be constrained to object.

Mr. MOYNIHAN. Mr. President, I sent the aforementioned resolution to the desk and I ask unanimous consent for its immediate consideration. I believe it requires unanimous consent.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. I have no objection to sending it to the desk. But I do object to its immediate consideration, I again say.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 99) concerning the protection of refugees in Iraq.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, I object. And I point out as I did before that there are a couple of minor areas we hope to be able to resolve in the language. If we do that, then there would be no objection to the resolution. I am not certain it can be done yet this evening. We are willing to work on it.

The PRESIDING OFFICER. The Chair understands the resolution will be held over under the rules.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I was very pleased that our staff had the opportunity to work together with the senior Senator from New York [Mr. MOYNIHAN] as it relates to the resolution which was sent to the desk and which will not be taken up for immediate consideration.

I believe that the issue is one that cannot be put on the back burner or put to the side. Indeed, it has been put to the side. It has been put on the back burner for too long by the world community. I think our country has lacked the fervor and direction necessary to deal with the slaughter of innocent men, women, and children.

I have heard these arguments about, well, my gosh, who is going to take over if Saddam is not there? May it not be a situation that would be catastrophic? I think the catastrophe is now, and that we are really literally doing little, if anything, to stop that killing, to stop the annihilation of people simply because they are Kurds or they are Shiites.

One of the areas that we speak to that I do not believe is objectionable in this resolution is maintaining economic sanctions against Iraq.

Here we are, the United Nations, about to pat itself on the back. It is about to say job well done, and, that provided Saddam meets certain requirements called for by the U.N., economic sanctions will be lifted. That means he is going to be able to sell oil. He is going to be able to raise about $300 million a week worth of revenue—$300 million a week. That is what he will raise when he sells oil.

Why should we be supplying this killer, this thug, this international terrorist, with the means by which to keep himself in power? Oh, yes, he is going to have to meet certain requirements. He will have to pay some reparations so a percentage of that money—and obviously since the money goes through pipelines that flow through Turkey and Saudi Arabia we will be able to set up a formula whereby some of these moneys will go to help pay reparations for the rebuilding of Kuwait.

What about the innocent people now? Do we just turn our backs? It defies logic to say that we are going to make believe that it is not happening. It is just like we made believe that Saddam Hussein was not using chemical weapons to kill Iranians. But after all, these were only Iranians. That was the argument. This is the enemy of my enemy.

So we made him a friend—political expedience. I remember when Sanator MOYNIHAN, Senator PELL, and myself were here on the floor saying, my gosh, what are we doing? What are we trading? Why are we subsidizing this madman? I was met by a bevy from both sides of objections. "We should not stop trade. Let us give the killer a chance. He has promised he is reformed."

We repulverized most of his army but we left some of it off the hook for whatever reason. But it happened. Who would have thought they would have undertaken to continue the maniacal conduct of Saddam Hussein after they saw the power that we could exercise in the free world. But they did.

I am not going to second guess that. I do not think one person is going to second guess the fact we brought the war to a conclusion. I support the President. As a matter of fact, if he had continued another 24 hours the media of the world would have come down on him and it would have been George Bush, the President, who was unnecessarily killing people. That is what would have happened in the real world we live in. Let us make no mistake about it.

So all of those wonderful, gifted Communists would have condemned him if he had not stopped. He stopped at the right time. No one could have really recognized or foreseen what is taking place. But we see it happening.

Now there is no excuse. Are we going to stop and say well, the sanctions will be lifted because he has agreed to the terms of the U.N. resolution? Are we going to give him $300 million a week? That is what the revenue stream will be for the sale of his oil so he can continue to buy the armaments, to buy the loyalty, and to rebuild himself—not the people.

This is incredible. This is madness. And what are we attempting to do? I will tell you. We compound the madness because just like the idiot who has lost his way and has a headache. He is trying to deal with his headache by pounding his head with a hammer.

We do not want to go in, and it should not be our place to try to establish the format of government. But I think the world body does have an obligation and an opportunity to see to it that we do not support in any way, and yes that we penalize and punish a government that is killing its own, punish it—deny it trade, deny it sanctuary in the world community.

We cannot give the Kurds sanctuary but we are going to give Saddam Hussein and the Iraqis sanctuary. We are going to give him cover. We are going to let him have normal trade and intercourse with the world community. It is incredible.

I would like to see all of those other things we call for in the U.N. cease-fire resolution be carried out. I do not think it will happen if we cannot deal with this situation now. It is not too late. We have hundreds of thousands of people living in caves, mountainsides, roads, in ditches, babies being born, babies dying, innocent women and children dying. We cannot find the moral courage to do what is right. I say "we" because we are part of this acquiescence. We have to wait for the French to come forward and exercise this resolution.

You know, springtime is here with the opening of baseball season. We are all interested in games going on. Everything is being conducted just like all is right in the world. All is not right in the world. This is a tragedy. I think that each and every one of us have a very shared responsibility.

Why are we here if we can treat this with such indifference? Why are we here if we are afraid to raise our voice to this tragedy? Is it because there are

no Kurds in the United States? Is it because there is no great political support for Shiites in the United States? Is it because we have such a fear of the Iranians and the Shiites, and the Iranians who are Shiites for the most part might constitute some kind of problem? Is that why we can just stand by to see them slaughtered, to see the innocent being victimized? Is that why we find it easy? Are we practicing again the failed policy that brought us over the past decade to this situation, the politics of practical political expedience? Are we adopting the philosophy that the enemy of my enemy is my friend? That is the policy that got us into this situation. I do not mean to personalize it.

But the same people who advised the State Department and our Secretary of State are the architects who are carefully crafting out and carrying out the what if's, what if Saddam is gone, what about the Lebanonization? The Lebanonization of Iraq could not be worse than what is happening today.

So while I do not want troops and soldiers to spill their blood in Iraq, I think that the United Nations has an obligation and we have an obligation to see to it that we come to the aid of these people.

Certainly by saying to the leaders of Iraq, "We will not allow your oil to be sold on the world economy, we will keep economic sanctions in place," at the very least that may sober them to the point of recognizing that Saddam cannot be continued in power.

I thank my distinguished colleague, the Senator from New York [Mr. MOYNIHAN] for his leadership in this role, and I look forward to continuing to work with him and Senator PELL and others who demonstrated a concern. This is a test of what we are about.

Mr. MOYNIHAN. Mr. President, I would like to acknowledge the implacable integrity of my colleagues from New York and his willingness to say what has to be said when it has to be said on this subject. I thank him for his remarks.

I yield the floor.

Mr. President, I ask unanimous consent that Senate Resolution 99, placed over under the rule earlier, be modified with the changes I now send to the desk, and that Senators PELL and DOLE be added as cosponsors.

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

The resolution (S. Res. 99), as modified, is as follows:

S. RES. 99

Whereas Kurds, Shiites and others throughout Iraq began an armed uprising against the government of Saddam Hussein;

Whereas since the uprising began Iraqi forces have employed indiscriminate force against civilian populations throughout the country, including the use of weapons such as napalm and phosphorous, and have killed thousands, and displaced and put at risk of starvation perhaps one million people;

Whereas the United Nations Security Council on April 5, 1991, adopted Resolution 688 which condemns the repression of Iraqi civilians and states that this repression threatens international peace and security in the region, demands that the Iraqi Government immediately end its repression of civilians, insists that Iraq allow immediate access by international humanitarian organizations to those in need of assistance and demands that Iraq cooperate with the Secretary General to address urgently the critical needs of the refugees;

Whereas the United Nations and the United States, as the leader of the international coalition opposing Iraqi aggression, have a unique responsibility and ability to address the plight of the Iraqi refugees; Now, therefore, be it hereby

*Resolved by the Senate*, That:

The Senate strongly condemns Iraq's continuing military atrocities, its slaughter of thousands of innocent civilians, and its blatant violations of international standards of human rights and the Fourth Geneva Convention of 1949;

The Senate calls for a United States policy in support of democracy and respect for human rights and international law in Iraq;

The Senate believes that the United States has a moral obligation to provide sustained humanitarian relief for Iraqi refugees and urges the President to continue his efforts to garner international support for those fleeing Iraqi repression;

The Senate notes the assistance Turkey and Iran have provided to Iraqi refugees, encourages them to continue to assist the refugees in every appropriate manner, and pledges United States assistance to international relief efforts for the refugee populations;

The Senate calls upon the President immediately to press the United Nations Security Council to adopt effective measures to assist Iraqi refugees as set forth in Resolution 688 and to enforce, pursuant to Chapter VII of the United Nations Charter, the demand in Resolution 688 that Iraq immediately end its repression of the Iraqi civilian population. Such measures could include: (1) establishing temporary enclaves to provide sanctuary to those fleeing Iraqi troops, (2) developing procedures to verify the full implementation of any Iraqi government offer of amnesty to Iraqi citizens, (3) maintaining economic sanctions against Iraq, and (4) using effective means to protect refugees pursuant to Article 42 of the United Nations Charter.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER (Mr. FORD). The Senator from Rhode Island.

## STOP IRAQI GENOCIDE

Mr. PELL. Mr. President, a catastrophe, without precedent since World War II, is now taking place inside Iraq. Up to 3 million Kurdish Iraqis face the triple threat of death through exposure, through starvation, or through military assault by a vengeful Iraqi Army.

Eye witnesses, including a staff member of our Foreign Relations Committee, have reported on Iraqi tactics. They include relentless bombardment of Kurdish cities by artillery and helicopter gunships, the massacre of civilians in areas recaptured by the army, and the use of such unconventional weapons as phosphorous artillery shells and napalm.

Several million Kurds have left the cities of northern Iraq to seek shelter in the high mountain valleys and, now, in Turkey and Iran. Because the Ba'ath regime systemtically destroyed every village in Kurdistan, the refugees inside Iraq have no shelter and there is no source of food in this once rich agricultural region. The refugees who reached the mountain areas did so mostly on foot and such food as they had they brought with them. By now this food is gone.

We need to provide relief to the millions of Kurds on the Iraq-Turkey border, inside Turkey, on the Iraq-Iran border, and inside Iran. I appreciate the efforts both Turkey and Iran have made to help the Kurds but both countries must do more. It is not acceptable to leave starving people in a freezing cold environment exposed to military attack. And the United States has an obligation to endeavor that the financial burden of these refugees is borne not by Turkey and Iran but by the whole world community.

Most of all, the world must take effective action to stop the killing now. We should communicate to Saddam Hussein that killing of civilians is not acceptable and that he must stop. To do this, I would prefer the use of United Nations sanctioned force but, if necessary to save lives, the United States could shoot down helicopters and conceivably bomb the artillery that is now chewing up Iraqi civilians. In saying this though, I must emphasize that I would oppose the use of any United States ground troops.

The United States has some responsibility for what is now going on inside Iraq. The slaughter of civilians is one of the unintended consequences of our military intervention. Further, the Iraqi rebellion was encouraged by the administration with statements that unintentionally led Kurds and Shi'a to believe the United States would help them overthrow Saddam Hussein. As it now turns out, President Bush did not mean to help. But at a time when the United States is aiding rebels opposed to the Governments of Angola, Afghanistan, and Cambodia, it is understandable that the Iraqis believed that the American President's statements also meant they would be helped.

Not since World War II have so many people found themselves in such peril so quickly. We must act now to stop the slaughter. More than a million live may depend on what we do in the coming days.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Senators GORE, LEAHY, and MITCHELL be added as cosponsors to the resolution that is now before the body.

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

Mr. MOYNIHAN. May I also take just a moment to express the great appreciation which we have for the efforts Senator GORE has made, and the contributions he has made in drafting this measure. He is necessarily absent from the Senate at this hour but wants very much to be recorded as being part of this debate.

Mr. President, I yield the floor.

## TRIBUTE TO JOHN HEINZ

Mr. DOLE. Mr. President, as the Republican Leader of the Senate, I am honored today to pay tribute to my friend and colleague John Heinz.

If there was ever any doubt about the kind of impact John had on this institution, or his beloved State of Pennsylvania, all you had to do was see the outpouring of love and respect we witnessed yesterday at his funeral in Pittsburgh.

It was an overflow crowd of admirers who came to say farewell to this good man from Pittsburgh. It was a gathering that included almost the entire U.S. Senate, and thousands of friends, and constituents, who wanted to say "Thank you" for his lifetime of dedicated public service.

One man at yesterday's service probably said it best when he told a reporter, "I don't usually pay that much attention to politicians, but he was such a gentleman and decent human being that I just had to come."

No doubt about it, it was a touching and powerful reminder that John Heinz made a difference—not only here in this Chamber, and in Pennsylvania, but throughout this great Nation.

I can tell you all about John Heinz' dedication, his commitment, his determination: I was his leader, his Chairman and his colleague. And I am proud to say, I was also his friend.

Once he grabbed on to an issue, he never let go. Pennsylvania never had a better friend, or a better champion. Yesterday's impressive crowd was a fitting demonstration of those two facts.

Mr. President, we will all miss John Heinz. But we will never forget his vigor, his quick smile, his dogged determination, his charm, and his legacy of achievement.

I also want to pay special tribute to Senators JOHN DANFORTH and TIM WIRTH, who spoke so eloquently at yesterday's funeral. Their words were comforting and powerful, moving and personal. They were the words we needed to hear. They are the words we will remember as we recall the life of this special public servant from Pennsylvania.

Our thoughts are with him today, and with his family—a courageous and loving family that says so much about the man we came to know, and to admire, and now, to mourn.

## TRIBUTE TO JOHN TOWER

Mr. DOLE. Mr. President, it was 30 years ago this year, when John Tower first took his seat on the Senate floor. As a Republican from Texas, many in this city wrote him off as a historical accident.

Well, in his 24 years in the Senate, John Tower would prove that while his election was no accident, he would, indeed, make important contributions to American history.

What John lacked in height, he made up for in love of his country. He was a patriot through and through. In World War II, he enlisted in the Navy at age 17, and when he retired from the Senate, he did so as an active enlisted naval reservist.

I never had the privilege of serving as John's leader, as my selection as leader came the same time as John's retirement. But I did have the privilege of regarding him as my leader on matters of national defense.

Although John Tower made a difference on countless issues, his military background and his love of country, led him to devote a great deal of time to strengthening America's security. As a member of the Armed Services Committee in the 1970's, he fought for a strong defense and secure America, when the cause was not popular.

And how fortunate America was that when it came to understand John Tower was right, he was chairman of the Armed Services Committee, and in a position to do what needed to be done.

But, as Senator COHEN so eloquently stated on Tuesday, John Tower was no captive of the Pentagon. It was John Tower who initiated the study on reforming the structural organization of the Joint Chiefs of Staff. And it was John Tower who voted to terminate unnecessary weapons systems built in his home State. John knew that the protection of America and her people transcended pork barrel politics.

His dedication to our national security continued after he left the Senate. President Reagan called upon him to serve as chief negotiator in the strategic arms reduction talks, and as chairman of the special review board on the Iran-Contra affair. And his good friend, President Bush, relied on his counsel and wisdom on the Foreign Intelligence Advisory Board.

John Tower's influence will be felt for many years to come. His dedication was seen in America's victory in the gulf. His vision will be seen in the best-trained, best-equipped military force in the world. And his good judgement will be seen in the contributions of those he brought to Washington, and who now serve in important positions throughout the Government.

John Tower entered the public arena unknown and underestimated. And when he and his daughter, Marian, tragically left the arena last week, he left behind 30 years of distinguished service to Texas and America, and a nation much the better for his life and service.

## JACK HEINZ

Mr. ROCKEFELLER. Mr. President, I rise not first, but indeed as one of the last Senators to talk about Jack Heinz, and I do so with the same sorrow that others have expressed. I refer to my former colleague in the Senate as Jack Heinz because I had known him for over 20 years, and if you had known him for over 20 years, you called him Jack; if you had not, you called him John.

In either event, he was the same person. His wife, Teresa, and my wife, Sharon, and Senator WIRTH's wife, Wren, are extraordinarily close friends, each of them very similar in their views, sometimes rebelling against the protocol of the Senate; Teresa, from Mozambique, bringing a kind of a zest, unpredictable and deeply artistic sense into all of our lives.

Those of us who went to the funeral in Pittsburgh yesterday were extraordinarily moved, and I think it was a combination of several things: One, that the Heinz family has had enormous influence and effect on Pittsburgh, and one hears about that and one understands that abstractly. But one felt that intimately yesterday. One felt the passing of generations.

I looked at his son John, his oldest boy, and his son Andre, they are very very close, very devoted friends to both my daughter Valerie and my son John. And I looked at Chris. I listened to them speak and told them afterward that they had achieved manhood as they spoke about their father. To do that, to go and speak about somebody that you love, indeed somebody who sired you, and to do so with such a dignity, and with such distinction, and with a sense of poetry and yet with a sense of command, almost a great eloquence, a simplistic eloquence. It was wonderful to watch. Theirs were by far the most eloquent tributes.

Mr. President, the concept of public service is appealing to many, and there are many who get into it. There are also many who get out of it because it turns out to be a lot more difficult than people anticipate. It is not something where one is covered with glory, but where one is sometimes covered with criticism and particularly, if one has a name like Heinz in Pennsylvania or anywhere in this country, people expect magic from you. If you do not produce magic, people are quick to criticize. Jack understood that, and he stayed with politics as long as he lived and could have stayed with politics as long as he wanted to.

Jack Heinz was in business. Jack Heinz was a Harvard MBA. He was trained to do many things, and he had

an opportunity to do many things, but he decided that it was public service and public service in that particular part of the country which over the last decade or so has come, as the Presiding Officer well knows, to suffer the very most, to lose the most jobs.

Jack Heinz never lost an election, never lost a job in his life, but his entire life was about people who had lost jobs or were facing the prospects of losing jobs because of the way other countries would plan their economies, manage their economies, protect their fledgling industries, subsidize their industries and thus come to be at a substantial advantage over us. He was outraged by that.

When I came to the Senate in 1985, Jack and I quickly turned to working together on a whole range of issues. Over these past 6 years, we have been allies and collaborators in efforts dealing with worker retraining, assistance for import-injured workers, trade policy affecting the steel industry, home health care, Medicare, health benefits for retired coal miners, and the list goes on and on and on.

We served on the Finance Committee together, taking an active interest in many of the same issues. Over the past 2 years, we were cochairmen of the Senate Steel Caucus, and together we doggedly and successfully fought for the extension of the Voluntary Restraint Program for America's steel industry. We served on the Pepper Commission together, and debated, deliberated, and sometimes even argued over the many difficult questions that arise in trying to craft a solution to our Nation's major health care problems.

Our common interests were, of course, not accidental. Jack Heinz represented a State, Pennsylvania, that has much in common with mine. Both West Virginia and Pennsylvania have gone through some rough and painful times, and both are now struggling valiantly to recover. We have watched coal mines shut down, steel plants close their doors, and jobs disappear or flee to other countries. We have fought against budget cuts that unfairly hurt the weak and vulnerable in our States. We have stood up for many of the same causes, because we were standing up for the people of West Virginia and Pennsylvania.

In fact, I always knew that when West Virginia needed help, I could go to Jack Heinz and get a sympathetic ear and an outstretched hand. He believed that Congress should step in to help those with just and urgent needs, and he acted accordingly—even when it meant going out on a limb.

Through his two decades of service in Congress, Jack Heinz has left a bigger mark than most. As we have read and heard over the past several days, his legislative legacy is long and remarkable. He played a leading and influential role in shoring up the Social Security fund and protecting it for years and years to come. Time and time again, as chairman and then ranking member of the Senate Aging Commitee, he exposed the abuses, the problems, and sometimes the outright fraud in both Government programs and private industry that were hurting the well-being of senior citizens. Year after year, he was the voice for American workers and fairness in trade policy, and in insisting that workers who were laid off because of imports were not left out in the cold.

Jack's high standards were obvious to all of us. We saw them in his tenactity and persistence as he pressed the Senator to act and to move. We saw them in the breadth and scope of his legislative goals, and in the many successes that he accomplished. We saw them in the way he pushed himself to take on new horizons and take up new crusades, looking straight into the future and helping the people of Pennsylvania and the entire Nation go forward and meet the challenges ahead.

There was a way Jack had of standing there, with all of the Senators, late at night wanting to get out and furious at him because he would stand over there, straight as was his posture, just straight as an arrow, absolutely unmoved, unphased by the withering glances of either his colleagues or the leadership, or any Senators from either side of the aisle, because he knew what it was he wanted to do. He was willing to bring the Senate to its knees to accomplish what was needed for the sick, for the elderly, for the poor, for the displaced, for his constituency in Pennsylvania. If it was that that he chose to fight for, then the rules of the Senate could be set aside as far as he was concerned.

It has been said, I think rather frequently, that Jack was a quick study. That is important to repeat. He was extremely smart. You cannot trade on brains. In business that makes a difference, and in the U.S. Senate it makes a difference.

JACK DANFORTH, who I admire enormously, gave a tribute to him yesterday, a homily, as they called it, which was extraordinarily moving. He said that life is basically about getting and giving. He said that Jack Heinz got a lot—and he did. He had a lot, whatever he needed, the best of education; but that he gave much more and that his life was about giving; that he died in the service of his country and on the line, on duty, so to speak, going from one meeting to the next.

Let us be proud of Jack Heinz. Let us think back to those nights when he caused us to be here longer than we wanted to because he believed so passionately in his people, particularly the poor and the elderly and the vulnerable. Those were the people who needed help. He understood that, wanted to help them, and did.

He was a master of many subjects and understood not only health care and trade policy but the minutia of many subjects, far more than most of our colleagues. He used that knowledge to drive a hard bargain and to better serve the people of Pennsylvania and the Nation.

So, my love goes out to Teresa and to John and to Andre and to Chris for the hurt they are now going through.

Mr. President, there is never a proper time for death, but Jack's was truly premature. He left a torch, however, that many of us can and must pick up—a torch for the people of Pennsylvania, for coal miners and steelworkers, for the elderly and children, for urban and rural people, and for many others whose needs should always be our first concern.

I join all of my colleagues in expressing my appreciation to the life and career of a fine public servant, a good husband and father, and to a friend.

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JOHN HEINZ

Mr. NICKLES. Mr. President, I wish to compliment my friend and colleague, Senator ROCKEFELLER, from West Virginia, for his outstanding tribute to a fallen colleague, Senator Heinz. I wish to join him in that tribute.

John Heinz, I am proud to say, was my friend, my colleague for the last 11 years I served with him. I have a lot of very fond and affectionate memories of John and Teresa. My heart goes out to her, certainly, and to their boys, John, Chris, and Andre for the terrible pain, sorrow, and suffering they are going through. Certainly all of our country and all of Pennsylvania is suffering at this time because we have lost a great American, a great Pennsylvanian.

He is one who has made very valuable contributions in many fields in Congress, whether we are talking about Social Security, Medicare, education, whether we are talking about steel or agriculture—you name it. John Heinz was a fighter for Pennsylvania. He was a fighter for senior citizens.

He was a very positive American. He had a lot to offer, a lot to give, and he contributed much in his 20 years of public service in the Congress. I compliment him for that. America is better off for his contribution. Ultimately, he gave his life for our country.

He gave freely of his assets. He gave freely of the asset that most of us prize more than anything else and that is of our time—for public service.

I am reminded what the Bible says, "Greater love hath no man than this, that a man lay down his life for his friends." John Heinz gave up his life in service to his country, performing his duties, duties he performed exceptionally well. John Heinz will be missed in

this body. He will be missed in Pennsylvania. He will be missed in this country. I certainly call it a pleasure to have had the opportunity to work with him.

I remember when he was chairman of the Senate Campaign Committee back in 1980, the year Republicans regained control of the Senate, he played a very valuable role in making that happen, including in the election of this Senator. I have always felt very close to him, personally, and to Teresa as well.

Like Senator ROCKEFELLER, I was moved when I heard each of his three sons make a tribute at his funeral yesterday. John Heinz has to be very, very proud of his three sons. I certainly was proud of them. I commend them for their statements, I commend them for their maturity, for their leadership, for the outstanding future they have. I know he has to be smiling upon his sons from Heaven and be extremely proud of them.

I extend my condolences and my sympathies and my prayers for Teresa and also for their three sons.

## JOHN TOWER

Mr. NICKLES. Mr. President, last Friday America suffered another tragedy and that was the loss of a good friend and former colleague, Senator Tower from Texas. I, like many of my colleagues, attended Senator Tower's funeral last Monday.

Senator Tower will certainly be missed by this Senator and, really, by Texans and Americans alike all across the country. He made a very valuable contribution to our Nation, certainly in the area of national defense.

I remember John Tower when he was chairman of the Armed Services Committee, a committee that he commanded with great strength, integrity, and dignity. He helped rebuild our Nation's defenses. He played a valuable role in the success that we had in the Persian Gulf, but I do not know that anybody thanked him. He helped rebuild America's defenses. He helped give us the military capability to where we could be successful in the Persian Gulf, and I compliment him for it.

He was a true leader in the Senate. Not only was he chairman of the Republican Policy Committee, but he was a leader on the floor of the Senate. He always conducted himself in a manner which I think would show great respect to this body. My sympathies are extended to Lilla and also to his two surviving daughters and my condolences, certainly for the loss of not only John Tower but his daughter Marian.

I remember his three daughters standing by his side when he was nominated for Secretary of Defense. It had to be an inspirational moment to see his three daughters standing by him through a very turbulent confirmation process. They showed their love for John Tower.

In many ways, John Tower has certainly contributed to making this country a better country, a freer country, a more respected country worldwide, not only in this body as a Senator, but after he retired from the Senate. He served, leading our arms control delegation in Geneva in successfully negotiating positive arms control agreements to help improve peace and security in this country and in the world. He was a tough negotiator, an able negotiator, and I doubt anyone in the country could match John Tower in his knowledge on arms control and the armed services of this country.

John Tower will certainly be missed by this Senator, by Texans almost everywhere, and by all Americans as well. He has made a very positive contribution to the betterment of this country and we will certainly miss him.

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

The PRESIDING OFFICER (Mr. HARKIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## A GREAT STATESMAN AND NOBLE LEADER—JOHN TOWER

Mr. SIMPSON. Mr. President, let me just take a moment to pay tribute to the memory of John Tower. I was able to pay tribute to our departed friend, John Heinz, the other day. It is a very eerie feeling to be on the floor of the U.S. Senate and have the floral tribute to our colleague just a very few feet away, a very extraordinary feeling for the occupant of the Chair as it is for this Senator from Wyoming.

And on we go in our life's work, and we have chosen those hazards. There is not one of us who has not been involved in that kind of hazardous activity with small aircraft.

It was a magnificent service, touching remarks of the Senator from West Virginia [Mr. ROCKEFELLER] and tomorrow we shall have a memorial here at National Cathedral at 10 a.m. I know there will be a great outpouring of affection and love, as there was yesterday in Pittsburgh when nearly 80 of us were there to pay our tributes.

I speak briefly and note that the hour is late and we are ready to conclude.

But with regard to John Tower, I have just a few remarks. When I came to the U.S. Senate, my father, who is still living, told me, "I was in the Senate with John Tower," and indeed he was. He said when I came here in 1979 to get to know John Tower; "you will like him. He is sharp, and bright, and irreverent, and a lot of fun, too, and tells an awfully good story, too. He has been a great help to me."

I took that counsel. And so the first days I was here I looked up Senator John Tower. I believe his phrase was, "Are you Simp's kid?"

I said, "I am."

He said, "I love your father, and I will get to enjoy working with you."

John Tower treated me with great kindness and regard when I was a freshman in the Senate. I never forget those expressions to me.

I just want to say I want to pay tribute to this former colleague, this friend who served this Nation and the people of Texas with great distinction for 4 terms as a Member of the U.S. Senate. We owe him a great debt of gratitude for his years of service. We lost a great statesman, a noble leader, and a good friend.

It was my pleasure to serve with him during my first term in the Senate, which turned out to be his last term. I came to know him well. He brought great honor and dignity to this Chamber. He was a very special man. He loved a good scrap, good debate, stood toe-to-toe with the best of them, and in many cases made the difference on tough legislation.

He was energetic, bright, strong, faithful, and loving, and tough. He was also quite direct in his dealings with his colleagues, and I am sure with his constituents and others. One day I remember very distinctly he came to me and said, "You are going to go to a fundraiser in Dallas for me."

I said, "No, I'm busy that weekend."

And he said, "No, you're not."

So as I stood there, all 6 foot 7 inches arrayed in total fashion, and he at 5 foot 4, or 5, looking up at me, tapping his cigarette case, with that look. And I said, "OK, I will go. I will." And I did.

We had a lot of fun. I remember that, too. But I think his greatest achievement, and it should not go unnoticed, was his role in shaping the Nation's defense and defense policy during the years he served on the Senate Armed Services Committee, and as chairman of that committee from 1981 to 1984. He demonstrated some extraordinary leadership and skill in carrying out the Republican defense agenda, his extraordinary and detailed knowledge of defense issues, his eloquence in articulating ideas, his brilliance in debate and his pure talent as a legislator were admired by all of us who worked with him. He was an exceedingly capable man.

I think we should also acknowledge his important role in preparing the Nation's military for the recent success of Operation Desert Storm. His tenure as chairman of the Armed Services Committee coincided with President Reagan's first term in office, and during that time he was a leading advocate for

modernizing and expanding the military. He worked closely with Cap Weinberger.

He took a lot of flak. They took a lot of political heavy artillery for their activities. And he served as a central player in Congress as President Reagan worked to strengthen our military and defense capabilities.

In recent weeks, we paid some richly deserved tributes to our military leaders and troops who demonstrated great competence and brilliance in planning and carrying out the military operations in the Persian Gulf. I just conclude in saying let us not forget to do the same for John Tower whose influence and forcefulness as a lawmaker were responsible in part for ensuring that our troops were equipped with the best weapons and the best technology available.

His public service did not end when he left here voluntarily, because then he went on to serve as chief negotiator for the United States at the strategic arms reduction talks with the Soviet Union in Geneva. And he came back to us and gave us great counsel and guidance.

Then he served as chairman of the Tower Commission, a special panel that investigated the Iran-Contra affair, and chairman of the President's Foreign Intelligence Advisory Board. In each of those roles, he used his awesome skills and abilities and knowledge for the betterment of his country. He pursued every endeavor with great zeal and vigor. John was a tenacious fighter whose presence and impact was unmistakable, not just in the Senate but in every arena that he entered. So we mourn his loss, a great American, a special human being.

I recall with a pang of sadness of 2 years ago when we rejected his nomination for Secretary of Defense. The memory of that nomination battle is still painfully clear in my mind, but that is not a memory I care to dwell on too long at this time. There are many reasons, many things happening, but there were some grotesque rumors and some totally unsubstantiated gossip and reports, and it brought him down. That was very painful for him. That was a very tragic and regrettable exit.

He offered much and he gave much and he was startled that that happened to him. I remember distinctly his daughters sitting here in the gallery, and after the debate, and I remember Senator LLOYD BENTSEN of Texas in a very gracious act was walking from this Chamber, and the girls came up to him and told him how much they appreciated what he said about their father. I happened to hear it as our colleague from Texas gathered the three of them in his arms and told them how hurt he was, too, that had occurred. That was a beautiful thing to observe.

We do owe him a great debt of rich gratitude and appreciation for his long years of public service. Let us always remember him as a very special man in every respect. He enriched our lives here. We all learned much from him. We worked with him, and we shall miss him greatly.

So to his two dear daughters, and other members of his family, our deepest sympathy, and regard, and appreciation for his life in this Senate and country well lived. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

## SENATOR JOHN HEINZ

Mr. DOMENICI. Mr. President, I rise for just a few moments to make a couple of comments about deceased Senator John Heinz.

First let me say to his wife, Teresa, whom I know not well, who my wife Nancy speaks so highly of that I feel like I know Teresa, when my wife Nancy indicates what a splendid wife, woman, Teresa Heinz is, I cannot help but say that is how it must be. But let me say to her and the children and others who are interested in our remarks here on the floor that I am going to be very brief, but I hope that they do not think that my brevity is a measure of my respect and admiration and, yes, fond memories of John Heinz, for none of those would be small or little. Quite to the contrary. Congratulations to those who nurtured and brought John Heinz to the Senate and to the positions of leadership that he held while he lived. Thanks to all of you.

To his immediately family, let me say no one can really understand how all of this happens. Nonetheless, it has happened. It is this Senator, the Senator from New Mexico, who got to know John Heinz well. It is my hope that the life that he lived with you and for us and for his people and for this country will now permit you to have great memories, and it will nurture all of you as you strive to be better and to achieve what he would have wanted of you.

I close by once again saying everything that should be said about his work here in the Senate, his assignments and his enthusiasm, the breadth of his efforts, has been said. I will not say it again.

I will merely say that I am aware of his significance to our Senate, to his State, and our people. I am fully aware of his enthusiasm, his vibrancy, his energy, and his accomplishments in the years he was with us. It is my hope that while his death is not understandable or explainable or comprehensible, it will not leave us hopeless or faithless but, to the contrary, that as difficult as it is to see hope in something like this and to have faith as the result of feeling and observing something like this and sensing it and thinking about it, nonetheless it will build our strength and the family strength and the strength of those who loved him and cared for him in some immeasurable and unintelligible way. Thank you again, John Heinz, and thank you to his family, and thank you to his widow Teresa for all they did in helping him help us.

I yield the floor.

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. EXON. 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. EXON. I ask unanimous consent that I may be allowed to proceed as if in morning business for a brief period of time.

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

Mr. EXON. I thank the Chair.

## SENATOR JOHN HEINZ

Mr. EXON. Mr. President, it is with a heavy heart that I look to my right and across the center aisle to the flowers on the desk of our very dear departed friend and my friend, John Heinz from Pennsylvania. I will be going to his memorial service tomorrow at the National Cathedral.

Mr. President, I guess the Senate is very difficult for those who do not fully understand it. There are only 100 of us, and while we differ on issues from time to time, while we have very strident debates over issues that are important to each of us, there is a comradeship. You cannot work with people, as I have worked with John Heinz for almost 13 years, without becoming well-acquainted with them.

John Heinz was one Member of this Senate for whom I had nothing but the highest regard. I did not know his wife well. Mr. President, I do not believe that I have ever met his children. But since I knew John Heinz, I feel I know them.

John Heinz was not only a very talented Member of this body, a very respected leader in this body on a whole series of issues, but, more important than that, I guess, as we remember John Heinz, I will remember him as a man of intellect, a hard worker, a man of good cheer with whom this Senator had lots of fun over the years as we carried out our Senate duties.

I think it is not inappropriate, and I think that if John Heinz were here he would agree—and he is here in spirit—to tell a story about John Heinz that maybe puts our relationship into perspective as to what two good friends are, he a Republican and myself a Democrat.

Many, many years ago the Republican Party National Committee sent

me a card giving J. JAMES EXON sustaining membership in the national Republican Party. I have never knowingly donated any money to the Republican National Committee, but I proudly carried this card around in my billfold. From time to time, in a good-natured fashion, I used to show it to my friends on the other side of the aisle to show that although I had not given them any money, I was an honorary member of their national committee and I had this certification to prove it.

John Heinz was one of those Senators on that side of the aisle who always got a chuckle out of that. I will never forget one day he was making a very heated speech on some subject. I have no idea what it was. I was on the other side of the issue. After he finished his talk, I went over and sat down next to him and I said, "John, I could not disagree more with what you have just said, and I want you to know I am so upset that I am going to destroy my Republican National Committee card." I had a pair of scissors, and I clipped it up in about four or five pieces on John Heinz' desk, and we had a good laugh.

I will always remember John as one easy to talk to. If you wanted to point to somebody in the Senate who looked like a Senator, acted like a Senator, and was a Senator, in the full embodiment of respect, trust, never a question as to his integrity and a true hard worker, and still a family man above everything else, I suspect that there are not many we could point to who would be more outstanding in that regard than our beloved and departed friend, the senior Senator from Pennsylvania.

So I only say to his wife and his children and the rest of the Heinz family, as saddened as they are and as much as my heart goes out to them at this time, I ask them to thank the Lord that John Heinz was with us, taking time away that he should have been spending with them, the family.

I thank them for that sacrifice they have made to us, and recognize and realize that John Heinz did indeed make his mark in the U.S. Senate in service to his country that he loved so very much.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

## THE LATE SENATORS JOHN HEINZ AND JOHN TOWER

Mr. WARNER. Mr. President, I would like to join my colleagues in expressing my thoughts about both of our lost colleagues, the Senator from Pennsylvania and the Senator from Texas.

In the all too often busy and hectic life of public service, the life that we bring upon ourselves here in the Congress, important words are regrettably often left unsaid, unsaid until a tragedy brings to us the realism—not just the sadness, but the realism—of what each of us individually and collectively loses when we experience the loss of our colleagues.

It is those events that often prompt the praise of fellow Senators, the heartfelt expressions such as we have heard today. But these sentiments are real, and they are true and they are spoken from the heart.

I was privileged to be among those Senators who joined the family of Senator Heinz in Pittsburgh and witnessed one of the most magnificent yet simple ceremonies on behalf of a fallen comrade.

I say fallen because we lost John Heinz in what I call the line of duty. He was working to the very minute he departed. He was a man of courage and strength, intellectually and physically, and there was no reason to believe other than he would be with us for many, many, many years to come. And yet the tragedy of an air accident took him so quickly, leaving in the prime of her life a widow and three sons, each of whom is trying to reach out and achieve goals his father would be proud of. I hope all of us in the days and months and years to come will do what we can individually to provide not only comfort and security but love and affection for his widow, and such guidance as his sons may accept.

I go back to the year I joined the Senate in 1979, coming with just a basic familiarity of the complex and often arcane customs of this institution. My then wife and I had the good fortune of receiving the big brother and big sister treatment from Senator and Mrs. Heinz. They helped us in so many ways to become indoctrinated to the Senate, not only the formalities of this institution but equally, if not more importantly, the informalities.

We have our Senate rules. We have our precedents. The Parliamentarian is always available to give us such opinions as we may or may not wish to receive. But there is much that is not in the rules and the precedents. There are personal relationships here in this Chamber, personal relationships that must be fostered outside this Chamber.

John and Teresa were very special to me and my family. At that time we were assigned to different committees and followed separate paths with respect to our special responsibilities in the Senate. But I shall always be grateful for the kindness and the thoughtfulness of my good friend, the senior Senator from Pennsylvania. He made the path I was to follow in these nearly 13 years clearer, and left the markers which I will continue to follow in the future.

Senator Heinz provided the leadership to produce results not only for his State but for the Nation. Just one little reminder: the Washington subway system. It did not touch Pennsylvania. I am sure in Pennsylvania there are cities that would love to have a subway system comparable to our Metro, but it was John Heinz who led the fight here in the U.S. Senate to get the funding and the authorization, and to work with the Senators from Virginia and Maryland to achieve a goal that we had been striving to achieve in a decade, to complete the 103-mile system. It was not in his State. But he had a deep interest and he expressed that deep interest about the Nation's Capital many times to those of us who bear some unique responsibility to the Nation's Capital for our legislative responsibilties.

We thank you, John. I thank you on behalf of not only Virginians, but all of those here in the metropolitan area.

Tragedy often forces men to face their own mortality. All of us in the Senate lead lives that keep us on the road and in the air. The tragedy, the death of my friend, John Heinz, does not compel me to shrink from the challenges of public life. Rather, the triumphs and achievements of his life inspire me to hopefully do more in such time that remains for me to serve in this institution.

It is my sincere hope for the family and the friends of Senator Heinz and for all who admire him, as I did, that the pain of his passing will dim far more quickly than will the remembrance of his distinguished career.

I shall always remember him in one unique way. He never strode upon this floor that he was not tall in thought and in body, and clutching beneath his arm that bundle of papers. He was truly one of the hardest working Members of the U.S. Senate, and it inspires us all.

Mr. President, I turn to our second distinguished colleague who also was lost in the line of duty. John Tower would want to have it that way because he was a vigorous man, vigorous in mind and thought in the pursuit of the goals that were important to him. He was on his way to share his knowledge, knowledge that he had gained through many, many years of hard work, beginning with a career in the U.S. Navy in World War II.

I remember so well when I was serving in the secretariat in the Department of the Navy. He did not ask me to come to his office. He summoned me to come to his office, and to bring with me the Chief of Naval Operations. At that time, if my memory serves me correctly, Admiral Zumwalt had just succeeded Admiral Moore. We had some hint as to the subject matter of the visit, but we were not sure until we arrived.

And there, in his office, we performed a promotional ceremony. John Tower had been an enlisted man in the U.S. Navy. John Tower was very proud of the fact that he was a boatswain's mate.

For those who know something of the Navy, the boatswain is the man aboard the ship that probably has the greatest store of general knowledge of the officers and the men of the ship, and of all aspect of handling the ship. On the whole, they were a rough and ready lot. But their knowledge of that ship was second to none, even the captain.

John was particularly proud that he had risen through all enlisted ranks to that of chief boatswain's mate.

At roughly 10 or 11 o'clock in the morning, at a brief ceremony, he was promoted to the highest of all ranks, chief boatswain.

The loss of John also brought us the knowledge of the loss of one of his daughters. I had the opportunity on many happy occasions to share an evening with those lovely daughters: Very beautiful, very knowledgeable, and above all, loving to their father.

As time progressed in this institution, John's ability to teach became very apparent to me. Yes, he was a Senator and eventually chairman of the Senate Armed Services Committee. I think that alone was his secret life's ambition, never to be paralleled by any future position in life.

But John always had the patience, always found the time to listen and to convey his knowledge on a subject. And his knowledge on matters of national security, intelligence, and on the relationship between the executive branch and the legislative branch of our Government was second to none.

Time and time again, when we were caught up in this institution particularly in relation to the War Powers Act, another subject that he knew well, the question as to the President's authority to send our troops abroad to protect the security interests of this Nation and the security interests of our allies and friends, I and others would refer to that landmark article that he wrote describing that relationship, and how he said to the Members of the U.S. Congress, all who aspire from time to time to be Secretary of State, that how but one man, the President of the United States, can represent this Nation in its relationships with other governments, because we the Congress, collectively and individually, simply cannot do that, even though from time to time we strive to do so.

That article I urge to be studied and read by all. I use it, and will continue to use it, time and time again. It represents to me but one of the many lessons learned from that master, John Tower. He used to sit right there in the United States Senate.

I remember so well the night in this institution we finally grappled with the decision as to whether or not we should express our views as being consistent with the views of the Prime Minister of England in the Falklands war, and John went up and down that aisle and recounted in detail the history between our country and Great Britain. He had a special affection for Great Britain.

I doubt if anyone, certainly not in the lifetime I have been here in the Senate, had a better knowledge about the relationship between the United States and Great Britain than John Tower. I hope the people of Great Britain know that they lost in John Tower one of their strongest proponents ever to be a Member of the U.S. Senate.

John and I had our differences, but he was a man that would be always willing to bridge those differences. My greatest loss with the passing of John Tower is that, with time, perhaps we could have reconciled and closed some of the differences we had. That will be a loss that I will have to bear.

At any rate, on balance, as I look back over our association of nearly a decade in this institution, I was the one that profited the most. I say to you, John, and to the members of your family, I thank you. As an old sailor said, "May fair winds and flowing seas always nourish in the hearts that you left behind the warmest of thoughts."

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. 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.

## PROTECTION OF REFUGEES IN IRAQ—SENATE RESOLUTION 99

The Senate continued with the consideration of the resolution.

Mr. SPECTER. Mr. President, while we are awaiting the final action by the Senate today, I have sought recognition to express my support for the resolution pending before the Senate regarding the resistance of the Kurds against the repressive and despotic acts by the Government of Iraq.

The situation in Iraq today is one of the most serious which has ever confronted an entire group of people. The Kurds are being oppressed relentlessly by the Iraqi Government. Thousands of Kurdish refuges are now on the Turkish border, thousands more on the Iranian border. The world has been horrified by the pictures which are flooding into television sets showing this brave people's tremendous suffering at the hands of the Iraqis.

I think it unfortunate that the originally stated intention of the United States Government to stop the helicopters from raining destruction on the Kurds was not carried out. Initially the United Nations, supported by the United States, made the declaration that fixed-wing aircraft would not be permitted to fly nor would the helicopters be permitted to fly. Two Iraqi fixed-wing aircraft were in fact shot down. The helicopters, which have continued to fly, have accounted for much of the destruction suffered by the Kurdish resistance. That is an extraordinarily unfortunate situation.

It is obviously a different situation for the United Nations or the United States to take military action which might involve a difficult ground war. But it seems to this Senator that some intermediate United Nations or United States course might have been adopted to have stopped this unseemly and barbaric assault against the Kurdish people.

I think the expression by the Senate today is a very forceful one, and I am hopeful that we will be able to find a way to stop this senseless slaughter.

I note the presence now of the majority leader so I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I would like to take a few moments to address the resolution prior to its enactment myself, and then we will be prepared to move the resolution and conclude the other business of the Senate.

Mr. President, I thank the Senator for his remarks.

All of us, indeed all Americans, are deeply concerned by the plight of refugees in Iraq. This is a tragedy of immense proportions. This resolution expresses the Senate's strong concern about Iraqi refugees and our belief that the United States and the United Nations must take immediate steps to ensure that additional lives are not lost. I commend the distinguished Senator from New York [Mr. MOYNIHAN] for his leadership on this resolution and this issue.

We were, of course, all grateful for the allied coalition's military victory over Iraqi forces and the astonishingly low number of allied casualties, but it is deeply disturbing that in the aftermath of that victory Iraqi armed forces have threatened the lives of some 1 million innocent Iraqi civilians. The President, in comparing Saddam Hussein to Hitler, repeatedly underscored the brutality of Iraqi occupation forces in Kuwait. These same forces have now turned against defenseless civilians within Iraq's borders seeking to assure a devastating loss to coalition stores with a brutal victory over their own people.

Many Iraqis began an armed rebellion in March following President Bush's calls for them to rise up and overthrow Saddam Hussein. They responded. Iraq Armed Forces then responded to them by indiscriminately shelling and bombing population centers, using helicopters to strafe villages and cut down fleeing civilians. This massive and illegal campaign of

terror against Kurds, Shiites, and other Iraqis has forced close to 1 million people to flee their homes. They are desperate, lacking their possessions, lacking food, lacking proper clothes, and they continue to struggle toward the border in search of safety.

Americans are rightly concerned about innocent Iraqi civilians. Their survival is no less significant than was the fate of innocent Kuwaiti citizens. The U.S. leadership role in the international coalition creates a special responsibility to help the innocent civilians now undergoing such distress.

That is what this resolution is about. The resolution notes the tremendous suffering of the Iraqi people and condemns the Iraqi Government's indiscriminate, illegal massacre of civilians. It recognizes the United States has a moral obligation to provide humanitarian relief to those suffering and urging additional support from the United Nations and those countries bordering Iraq.

The resolution calls upon President Bush to press the U.N. Security Council to follow up on resolution 688, which condemned the repression of Iraqi civilians. Specifically, the resolution urges the President to encourage the United Nations to adopt effective measures under chapter VII of the U.N. Charter, including taking action to protect refugees to enforce the demand that the killing stop.

It is unfortunate but clear that the U.S. Government's initial response to this tragedy was slow. It must now meet the situation more effectively. This is an important resolution, which I urge all of my colleagues to support.

## APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94-118, appoints the Senator from West Virginia [Mr. ROCKEFELLER] to the Japan-United States Friendship Commission.

## APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, and pursuant to Public Law 99-498, as amended by Public Law 101-324, appoints Mr. William R. Cotter to the National Commission on Responsibilities for Financing Postsecondary Education, vice Dr. William Danforth, resigned.

## APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 101-363, appoints the Senator from Colorado [Mr. BROWN] to the National Advisory Council on the Public Service.

## UNANIMOUS CONSENT REQUEST

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Tuesday, April 16, at 3 p.m. the Senate proceed to the consideration of Calendar No. 38, S. 207, the CFTC authorization bill.

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

Mr. MITCHELL. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

Mr. SPECTER. Mr. President, by brief word of explanation, I have just come into this assignment on so-called wrapup and I wanted to be sure that these documents were in order. The last unanimous consent agreement is agreed to by this side of the aisle.

## MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

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

## TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,217th day that Terry Anderson has been held captive in Lebanon.

## GLOBAL WARMING AND OZONE DEPLETION

Mr. BAUCUS. Mr. President, earlier today the majority leader, Senator MITCHELL, and my distinguished colleague from Tennessee, Mr. GORE, noted the two recent scientific reports on the seriousness of the global warming and ozone depletion threats.

Last week, the National Aeronautics and Space Administration released new data showing that the Earth's ozone layer is disappearing at an alarming rate.

And yesterday, a prestigious panel of the National Academy of Sciences, chaired by our former colleague Dan Evans, reported that the threat posed by global warming is sufficient to justify action now.

These two reports are more than just a double-barreled warning. They are evidence that what was once thought to be serious environmental problems are turning into crises.

According to the NASA satellite data, between 4 and 5 percent of the ozone layer over North America, Europe, and the mid latitudes in both the northern and southern hemispheres has been destroyed in the last decade. This is twice as fast as believed earlier by NASA scientists.

Equally disturbing, NASA's new data show for the first time that the ozone depletion is not just a winter phenomenon. It now extends into the warmer months, a time when people begin to spend more time outdoors and plants begin to grow.

As we should all know by now, the thinning of the ozone layer allows more high energy ultraviolet radiation to strike the Earth's surface. This increases the incidence of skin cancers and cataracts, and potentially suppresses the immune system. Furthermore, increased ultraviolet radiation has been shown to damage crops and harm marine resources.

According to the Environmental Protection Agency, for every percentage point of ozone depletion, the number of skin cancer cases increases by 5 to 7 percent. EPA estimates that the observed ozone depletion will lead to as many as 12 million more skin cancers and over 200,000 additional skin cancer deaths in the United States during the next 50 years. That is double the current rate of 5,000 a year.

In short, Mr. President, we have a major environmental crisis.

The new ozone losses are much greater than those predicted by computer models. And they raise serious questions about the adequacy of the control measures set forth in the Montreal protocol.

That treaty, signed by over 70 nations, commits industrialized nations to phase out CFC's by the year 2000, and developing nations to follow suit 10 years later.

The new NASA data and the assessment from the NAS are clear and convincing evidence of the need for action.

As a start, section 606 of the Clean Air Act Amendments of 1990 requires that the EPA Administrator implement an accelerated phaseout schedule for CFC's and other ozone depleting chemicals if scientific information suggests such an acceleration is needed to protect human health and the environment.

I believe that 12 million more skin cancer cases and a doubling of the death rate from such cancers in the United States is reason enough to accelerate the phaseout schedule.

Many European Community nations already support moving up the year 2000 deadline in developed nations to 1997. The United States should do no less.

We must also consider restrictions on CFC substitutes now being developed. While these are less harmful than current CFC's, they still damage the ozone layer, and it is now clear that our atmosphere cannot tolerate more abuse.

We must also provide timely assistance to developing countries so that they will have access to safe substitutes, and can eliminate production

and use of CFC's well in advance of their 2010 deadline.

And we must take stronger steps to improve our energy efficiency and conservation. Doing so will reduce our emission of greenhouse gasses and the resulting global warming. This is the kind of planetary insurance policy mentioned in the NAS report.

The Senate will be considering comprehensive energy legislation in the near future. I, along with a number of my colleagues, intend to press for strong conservation and efficiency measures. It is the right thing to do, for us, now. And it is the right thing to do for our children.

Mr. President, we are now seeing the consequences of a policy that for too long has said wait. Study. Go slow.

Let us not compound the problem with further delay.

## MOSES BOYD AND TRIO: AMERICAN SUCCESS STORIES

Mr. HOLLINGS. Mr. President, the spring 1991, edition of the Carolinian newspaper includes a profile of Moses Boyd, a counsel on the Senate Commerce Committee. Mr. Boyd is one of several talented young men and women mentioned in the article who have received a helping hand in realizing their academic potential courtesy of the TRIO Program. TRIO, of course, is the enormously successful Federal program that identifies disadvantaged but promising high school students, and provides them with academic enrichment activities and support before and during their years in college.

Moses Boyd is a superb example of what this program has accomplished in countless cases in every State in the Nation. A 1986 graduate of the University of South Carolina Law School, he has already earned a reputation on the committee and among our Senate colleagues as a fine lawyer with acute judgment—someone we can trust and rely on.

The lion's share of the credit for the Moses Boyd success story must go to Moses himself and to the family that raised him. But my hat is off, too, to the TRIO Program, which has made a decisive difference in the lives of many thousands of Americans from disadvantaged backgrounds. I am proud to have championed TRIO from my earliest years in the Senate. Perhaps my reward is to have a counsel of Moses Boyd's caliber on my Commerce Committee staff.

Mr. President, I ask unanimous consent that the article, "When Opportunity Knocks * * *," be reprinted in the RECORD.

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

WHEN OPPORTUNITY KNOCKS . . .

The corridors of power in Washington are familiar ground to Moses Boyd. As counsel to the U.S. Senate Commerce, Science and Transportation Committee, he advises some of the nation's most powerful leaders and helps draft bills that will affect millions of lives. His law career is on the fast track to success.

But without the Opportunity Scholars Program (OSP) at USC, he might have had to settle for much less.

Boyd grew up in a small Fairfield County town in a family of 11 children. His mother was a high school graduate and his father—one of 13 children—left school to support his brothers and sisters when their parents died.

A promising high school student, Boyd was student body president in his senior year at Columbia's Eau Claire High School and had ambitions for law school. His teachers recommended a small college, but a guidance counselor saw his potential and urged him to try for USC. He did, was admitted through OSP, and became the quintessential high achiever that the program develops. He received a B.A. in political science in 1983 and a law degree in 1986.

"In my freshman year I got a lot of help learning how to focus on my course work," he said. "The faculty motivated me to study harder and helped me hone my writing and speaking skills. I can't say enough about the impact this program had on my life and career."

More than 500 graduates have answered opportunity's knock since the program began. In 1969, then-President Thomas Jones realized that some South Carolina high school students who had the potential to do good college work were being left out in the cold. For a variety of reasons—low SAT scores, inadequate academic preparation, family poverty or other problems beyond their control—they were labeled "educationally disadvantaged" and just didn't quite meet USC's admissions standards.

So Jones started a special admissions program for these students under the direction of the late Dr. J. Manning Hiers. The following year it was taken under the federal umbrella and has since been supported by a combination of University and federal money.

OSP is one of the TRIO programs—Opportunity Scholars, Talent Search and Upward Bound—funded under the federal Higher Education Act of 1965 and designed to provide counseling, basic skills instruction, tutoring and information about financial aid and college admissions to low-income and first generation college students.

Dixon Durham, who oversees the program and teaches the history component, emphasized that OSP is a developmental, not a remedial, program. "Like many other freshmen, our students come in with a need to strengthen certain aspects of their academic performance," Durham said. "Besides giving them full credit courses in English, history and math, we teach them critical thinking and study skills and help them develop the self-confidence they need to move out of their first-year experience into the mainstream of University life."

Associate Provost Dr. Susan Forman said the track record of OSP students proves the value of the program.

"This is a prime example of how a major research university can provide increased opportunities for a state with a diverse population and citizens with a range of social, economic and educational needs," she said. "In case after case, OSP has provided the means for students who might not typically be able to complete a high-quality college education to obtain college degrees and engage in successful careers."

Dr. Carol McGinnis Kay, dean of the College of Humanities and Social Sciences, also takes pride in the achievements of OSP students. "Far from being coddled," she said "these students proably have to meet stiffer demands from their instructors than a lot of entering freshmen do.

"It is a credit to their determination and to the academic excellence of the program that their graduation rate is so high and that so many of them continue their education in graduate school.

"This program is an important one, for both the students and the state as a whole. It enables the University to serve the needs of an important part of our constituency."

Terry Davis, Columbia campus admissions director, said the program makes it possible for the University to exercise flexibility in admissions policies by referring about 50 students each year who meet OSP's criteria to the program.

"While we know that a combination of SAT scores and high school performance generally gives the best indication of potential success in college, we also know that some students simply don't test well," she said.

"The graduation rate of OSP students—more than 60 percent—is significantly higher than the overall USC-Columbia rate, and many of them pursue graduate work. That's a clear indication that this kind of flexibility pays off for the University," Davis said.

Like Moses Boyd, the program's graduates are making major contributions to society through their professions—as social workers, teachers, lawyers, nurses, pharmacists, engineers, librarians, bankers and in other fields. And without exception, they credit USC and OSP for giving them a chance to prove they could succeed.—ANN HILL.

## DR. NICHOLAS E. DAVIES

Mr. NUNN. Mr. President, last week one of Georgia's, and our Nation's most prominent physicians, Dr. Nicholas E. Davies, of Atlanta, was killed in a plane crash. An internist and cardiologist, Dr. Davies was to have become the president of the American College of Physicians on April 13, heading the organization of 70,000 doctors trained in internal medicine. He was on his way to a meeting of internists on the Georgia coast when his plane went down.

His colleagues at Piedmont Hospital, where he was chairman of the ethics committee and former chairman of the Department of Medicine, spoke of his deep concern for improving the lives of his fellow man, and for his intellect. Dr. Davies also served on the staff at Grady Memorial Hospital and was a professor at Emory University's School of Medicine.

Atlantans knew him as a lover of books, and founder of Friends of the Atlanta Public Library. Around the State, he was known for his active work to guarantee necessary medical care to all Georgians, regardless of their ability to pay. Nationally, Dr. Davies was known for his work as chairman of the National Library of Medicine, for his support for nurses and homebound patients, and for his advocacy of concentrating spending on the

medical services that were most needed, such as preventive care.

My sympathy goes out to his wife, Garland, herself a distinguished assistant professor at Georgia State University, now retired, and to their children and grandchildren in the loss of this admirable man of medicine, whose life meant so much to his city and State, his colleagues and students, and all who benefited from his skill and concern.

## MESSAGES FROM THE PRESIDENT

Message from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting Sunday nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 12:32 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. 355. An act to provide emergency drought relief to the Reclamation States, and for other purposes.

The message also announced that the House has agreed to the following resolution:

H. Res. 119. A resolution relative to the death of the Honorable John Heinz, a Senator from the Commonwealth of Pennsylvania.

At 3:45 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 543. An act to authorize the President to award a gold medal on behalf of the Congress to General H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public; and

S. 565. An act to authorize the President to award a gold medal on behalf of the Congress to General Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public.

The message also announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 134. Joint resolution to designate the weeks of April 14 through 21, 1991, and May 3 through 10, 1992, as "Jewish Heritage Week; and

H.J. Res. 197. Joint resolution to designate the weeks of April 15 through 21, 1991, as "National Education First Week."

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 115. A concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony of welcome for the Dalai Lama.

The message also announced that pursuant to the provisions of section 4(b) of Public Law 94-201, the Speaker appoints on the part of the House, from private life, Mrs. Lindy Boggs of New Orleans, LA, to the Board of Trustees of the American Folklife Center in the Library of Congress.

The message further announced that pursuant to the provisions of section 1205(a)(4) of Public Law 101-628, the Speaker appoints the following individuals to the Civil War Sites Advisory Commission on the part of the House: Mr. MRAZEK and Mr. SLAUGHTER of Virginia; and from private life, Ms. Mary Frances Berry of Washington, DC.

### ENROLLED BILLS SIGNED

At 5:22 p.m., a message from the House of Representatives, announced that the Speaker has signed the following enrolled bills:

S. 534. An act to authorize the President to award a gold medal on behalf of the Congress to General H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public; and

S. 565. An act to authorize the President to award a gold medal on behalf of the Congress to General Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public.

## MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 355. An act to provide emergency drought relief to the Reclamation States, and for other purposes; to the Committee on Energy and Natural Resources.

## REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of April 9, 1991, the following reports of committees were submitted on April 10, 1991, during the recess of the Senate:

By Mr. GLENN, from the Committee on Governmental Affairs:

Special Report on the Activities of the Committee on Governmental Affairs and its subcommittees for the 101st Congress (Rept. No. 102-36).

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. 3: A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes (Rept. No. 102-37).

By Mr. FORD, from the Committee on Rules and Administration, without recommendation without amendment:

S. 6: A bill to amend the Federal Election Campaign Act of 1971 to provide a voluntary system of flexible fundraising targets for Senate elections, to increase public disclosure of activities of Senators, to reduce special interest influence in Senate elections, to increase competition in politics, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of April 9, 1991, the following executive reports of committees were submitted on April 10, 1991, during the recess of the Senate:

By Mr. NUNN, from the Committee on Armed Services:

The following-named persons to be Members of the Defense Base Closure and Realignment Commission for terms expiring at the end of the first session of the 102nd Congress:

Arthur Levitt, Jr., of New York;

Robert D. Stuart, Jr., of Illinois; and

Alexander B. Trowbridge, of the District of Columbia.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Nicholas F. Brady, of New Jersey, to be United States Governor of the European Bank for Reconstruction and Development.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## 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. INOUYE:

S. 795. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active

service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. DIXON:

S. 796. A bill to provide a one-time amnesty from criminal and civil tax penalties and 50 percent of the interest penalty owed for certain taxpayers who pay previous underpayments of Federal tax during the amnesty period, to amend the Internal Revenue Code of 1986 to increase by 50 percent all criminal and civil tax penalties, and for other purposes; to the Committee on Finance.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 797. A bill to establish programs for evaluation, research and development, and construction of a magnetic levitation transportation system between Baltimore, Maryland and Washington, District of Columbia; to the Committee on Commerce, Science, and Transportation.

By Mr. CRANSTON (for himself, Mr. PACKWOOD, and Mr. ADAMS):

S. 798. A bill to amend title 18, United States Code, to provide a criminal penalty for interfering with access to and egress from a medical facility; to the Committee on the Judiciary.

By Mr. NICKLES:

S. 799. A bill to amend the Davis-Bacon and the Service Contract Act of 1965 to exempt from such acts tenants of federally-related housing who participate in the construction, alteration, or repair of their residences, and for other purposes; to the Committee on the Judiciary.

By Mr. PACKWOOD:

S. 800. A bill for the relief of Carmen Victoria Parini, Felix Juan Parini, and Sergio Manuel Parini; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. BRYAN, Mr. SARBANES, Mr. WIRTH, Mr. GARN, Mr. JEFFORDS, Mr. DANFORTH, and Mr. HATCH):

S. 801. A bill to amend the National Trails System Act to designate the Pony Express National Historic Trail and California National Historic Trail as components of the National Trails System; to the Committee on Energy and Natural Resources.

By Mr. SIMON:

S. 802. A bill to amend title VII of the Public Health Service Act to prohibit discrimination against international medical graduates, to provide for the establishment of a National Repository of Physician Records, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. REID:

S. 803. A bill to amend the Family Violence Prevention and Services Act to provide grants to States to fund State domestic violence coalitions, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 804. A bill to establish the Spark M. Matsunaga Renewable Energy and Ocean Technology Center and make funds available to the facility for renewable energy and ocean resources research, development, and transfer; to the Committee on Energy and Natural Resources.

By Mr. HELMS:

S. 805. A bill to provide for regulations to require certain consumers of newsprint to use, in their commercial operations, a certain percentage of recycled newsprint; to the Committee on Environment and Public Works.

By Mr. ADAMS:

S. 806. A bill to provide for the transfer of property for the Warren G. Magnuson Park in the City of Seattle, Washington, and for other purposes; to the Committee on Armed Services.

By Mr. HATCH (for himself and Mr. GARN):

S. 807. A bill to permit Mount Olivet Cemetery Association of Salt Lake City, Utah, to lease a certain tract of land for a period of not more than 70 years; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI:

S. 808. A bill to provide for the payment of claims by United States nationals against Vietnam and to terminate certain economic sanctions against Vietnam, and for other purposes; to the Committee on Foreign Relations.

By Mr. McCAIN (for himself, Mr. MACK, Mr. BURNS, Mr. COATS, Mr. LOTT, Mr. CRAIG, Mr. HATCH, Mr. KASTEN, Mr. SMITH, Mr. McCONNELL, Mr. BOND, Mr. HELMS, Mr. GARN, Mr. SYMMS, Mr. NICKLES, and Mr. ROTH):

S. 809. A bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes; to the Committee on Rules and Administration.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. HATFIELD, Mr. METZENBAUM, Mr. DODD, Mr. ADAMS, Mr. BURDICK, Mr. LEVIN, Mr. CONRAD, Mr. KERRY, Mr. KOHL, and Mr. SHELBY):

S. 810. A bill to improve counseling services for elementary school children; to the Committee on Labor and Human Resources.

By Mr. HOLLINGS (for himself, Mr. EXON, Mr. BRYAN, Mr. BREAUX, Mr. REID, Ms. MIKULSKI, and Mr. SIMON):

S. 811. A bill to require the Secretary of Transportation to lead and coordinate Federal efforts in the development of magnetic levitation transportation technology and foster implementation of magnetic levitation and other high-speed rail transportation systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself and Mr. GRAHAM):

S. 812. A bill to amend the Federal Water Pollution Control Act; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 813. A bill to establish the Federal Interagency Advisory Council and promote the use of senior citizens in the support of Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

S. 814. A bill to amend the Environmental Programs Assistance Act of 1984 to provide that for purposes of liability for damage, injury or death caused by the negligence or wrongful acts or omissions of individuals authorized by such Act, the United States is liable, and for purposes of access to trade secrets and confidential business information such individuals are authorized representatives of the United States Environmental Protection Agency; to the Committee on Environment and Public Works.

By Mr. BROWN (for himself, Mr. HATCH, and Mr. DANFORTH):

S. 815. A bill to amend the Public Health Service Act to provide for the establishment of an Office of Medical Insurance and to establish a self-insurance fund to provide coverage for successful malpractice claims filed against health service providers utilized by community and migrant health centers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN (for himself, Mr. BROWN, Mr. PELL, Mr. HELMS, Mr. LIEBERMAN, Mr. BURNS, Mr. INOUYE, Mr. SIMON, Mr. KERRY, Mr. SPECTER, Mr. WALLOP, Mr. AKAKA, Mr. BRADLEY, Mr. McCAIN, Mr. DeCONCINI, Mr. COATS, Mr. D'AMATO, Mr. DIXON, Mr. RIEGLE, and Mr. SEYMOUR):

S. 816. A bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Baltic peoples to alleviate suffering; to the Committee on Foreign Relations.

By Mr. GARN (for himself, Mr. D'AMATO, Mr. GORE, Mr. GRASSLEY, Mr. JEFFORDS, Mr. PELL, Mr. SASSER, Mr. SIMON, and Mr. WARNER):

S.J. Res. 114. A joint resolution to designate May 1991 as "Neurofibromatosis Awareness Month"; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S.J. Res. 115. A joint resolution to designate the week of June 10, 1991, through June 16, 1991, as "Pediatric AIDS Awareness Week"; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. GORE, Mr. CHAFEE, Mr. KASTEN, Mr. KOHL, Mr. KERRY, Mr. CONRAD, Mr. PELL, Mr. ADAMS, Mr. SANFORD, Mr. BIDEN, Mr. DODD, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. WARNER, Mr. BENTSEN, Mr. LAUTENBERG, Mrs. KASSEBAUM, Mr. BURDICK, Mr. ROCKEFELLER, Mr. D'AMATO, Mr. JEFFORDS, Mr. CRANSTON, Mr. DeCONCINI, Mr. FOWLER, Mr. SHELBY, Mr. HOLLINGS, Mr. SASSER, Mr. GORTON, Mr. SEYMOUR, Mr. DOMENICI, Mr. KENNEDY, Mr. REID, Mr. SARBANES, Mr. LEVIN, Mr. NUNN, Mr. WELLSTONE, Ms. MIKULSKI, Mr. COCHRAN, Mr. BINGAMAN, Mr. INOUYE, Mr. BUMPERS, Mr. COHEN, Mr. MITCHELL, Mr. SPECTER, Mr. PACKWOOD, Mr. DANFORTH, Mr. PRESSLER, Mr. BOND, Mr. BAUCUS, Mr. HATCH, and Mr. GRAHAM):

S.J. Res. 116. A joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. DASCHLE, Mr. SARBANES, Mr. LEVIN, Mr. BRADLEY, Mr. HOLLINGS, Mr. SASSER, Mr. DIXON, Mr. BUMPERS, Mr. HEFLIN, Mr. CRANSTON, Mr. MITCHELL, Mr. EXON, Mr. SIMON, Mr. NUNN, Mr. GORE, Mr. LIEBERMAN, Mr. RIEGLE, Mr. BOREN, Mr. MOYNIHAN, Mr. PELL, Mr. SANFORD, Mr. STEVENS, Mr. WARNER, Mr. D'AMATO, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. GARN, Mr. DOLE, Mr. SEYMOUR, Mr. COCHRAN, Mr. MURKOWSKI, Mr. THURMOND, Mr. HATCH, Mr. MACK, and Mr. AKAKA):

S.J. Res. 117. A joint resolution to designate December 7, 1991, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor; to the Committee on the Judiciary.

By Mr. GARN (for himself, Mr. GRAHAM, and Mr. MACK):

S.J. Res. 118. A joint resolution to recognize the Astronauts Memorial at the John F. Kennedy Space Center as the national memorial to astronauts who die in the line of duty; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH (for himself, Mr. GORE, Mr. CHAFEE, Mr. KASTEN, Mr. KOHL, Mr. KERRY, Mr. CONRAD, Mr. PELL, Mr. ADAMS, Mr. SANFORD, Mr. BIDEN,

Mr. DODD, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. WARNER, Mr. BENTSEN, Mr. LAUTENBERG, Mrs. KASSEBAUM, Mr. BURDICK, Mr. ROCKEFELLER, Mr. D'AMATO, Mr. JEFFORDS, Mr. CRANSTON, Mr. DECONCINI, Mr. FOWLER, Mr. SHELBY, Mr. HOLLINGS, Mr. SASSER, Mr. GORTON, Mr. SEYMOUR, Mr. DOMENICI, Mr. KENNEDY, Mr. REID, Mr. SARBANES, Mr. LEVIN, Mr. NUNN, Mr. WELLSTONE, Ms. MIKULSKI, Mr. COCHRAN, Mr. BINGAMAN, Mr. INOUYE, Mr. BUMPERS, Mr. COHEN, Mr. MITCHELL, Mr. SPECTER, Mr. PACKWOOD, Mr. DANFORTH, Mr. PRESSLER, Mr. BOND, Mr. BAUCUS, Mr. HATCH, and Mr. GRAHAM):

S.J. Res. 119. A joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAMM (for himself, Mr. BENTSEN, Mr. DODD, Mr. DOLE, and Mr. BOND):

S. Res. 97. Resolution to express the sense of the Senate with regard to the death of John Goodwin Tower, a former Senator from the State of Texas; considered and agreed to.

By Mr. PELL (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. KERRY, Mr. DODD, Mr. BRADLEY, Mr. LAUTENBERG, Mr. COHEN, Mr. JEFFORDS, Mr. LIEBERMAN, and Mr. RUDMAN):

S. Res. 98. Resolution expressing the opposition of the Senate to the imposition of a fee on or in-kind storage diversion requirement for imported crude oil and refined petroleum products; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. GORE, Mr. PELL, Mr. LEAHY, Mr. SANFORD, Mr. MITCHELL, Mr. DOLE, Mr. PACKWOOD, Mr. DECONCINI, Mr. CRANSTON, and Mrs. KASSEBAUM):

S. Res. 99. Resolution concerning the protection of refugees in Iraq, considered and agreed to.

By Mr. SANFORD (for himself, Mr. HELMS, and Mr. MITCHELL):

S. Res. 100. Resolution to commend the Blue Devils of Duke University for winning the 1991 National Collegiate Athletic Association Men's Basketball Championship; considered and agreed to.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 101. Resolution to authorize testimony in the case of United States v. Kim Peoples, No. M7711-90; considered and agreed to.

By Mr. KERRY (for himself, Mr. LEVIN, Mr. AKAKA, Mr. KENNEDY, Mr. JEFFORDS, Mr. INOUYE, Mr. LIEBERMAN, Mr. HARKIN, Mr. DASCHLE, Mr. PELL, and Mr. GORE):

S. Con. Res. 26. Concurrent resolution calling for the United States to support a new agreement among the Antarctic Treaty Consultative Parties which would provide comprehensive environmental protection of Antarctica and would prohibit indefinitely commercial mineral development and related activities in Antarctica; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself and Mr. HATCH):

S. Con. Res. 27. Concurrent resolution urging the Arab League to terminate its boycott against Israel, and for other purposes; to the Committee on Foreign Relations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE:

S. 795. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

FILIPINO VETERANS EQUITY ACT

• Mr. INOUYE. Mr. President, today, I rise to introduce legislation which amends title 38, United States Code, to restore full veterans' benefits, by reason of service, to certain organized military forces of the Philippine Commonwealth Army and the Philippine Scouts.

Fifty years ago, President Roosevelt, on July 26, 1941, issued a military order that called members of the Philippine Commonwealth Army into the service of the United States Forces of the Far East. Under the command of Gen. Douglas MacArthur, our Filipino allies joined alongside American soldiers in fighting some of the most fierce battles of World War II.

From the onset of the war through February 18, 1946, Filipinos who were called into service under President Roosevelt's order were entitled to full veterans' benefits by reason of their active service in our Armed Forces. Unfortunately, on February 18, 1946, Congress enacted the Recission Act of 1946, (now codified as section 107, title 38, United States Code), which states that service performed by these Filipino veterans is not deemed as "active service." As a result of the 1946 act, Filipino veterans on May 12, 1989, in Quiban versus U.S. Veterans Administration and Quizon versus U.S. Veterans Administration, the U.S. District Court for the District of Columbia declared section 107 of title 38, United States Code to be unconstitutional. The Veterans Administration filed an appeal to the U.S. Court of Appeals for the District of Columbia, challenging the district court's ruling that military service performed by Filipino veterans, which is not deemed as active service, was unconstitutional. The U.S. Court of Appeals for the District of Columbia heard the oral arguments on February 14, 1991. A decision is expected shortly. I am hopeful that the U.S Court of Appeals will affirm the lower court decision.

For many years, Filipino veterans of World War II have sought to correct this injustice by seeking equal treatment for their valiant military service in our Armed Forces. We must not ignore the recognition they duly deserved as U.S. veterans. Accordingly, I urge my colleagues to support this measure which would restore full veterans' benefits, by reason of service, to our Filipino allies of World War II.

Mr. President, I ask unanimous consent that the text of my bill be placed in the RECORD.

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

S. 795

*Be 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 "Filipino Veterans Equity Act of 1991".

**SEC. 2. CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS DEEMED TO BE ACTIVE SERVICE.**

(a) IN GENERAL.—Section 107 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "not" after "Army of United States, shall"; and

(B) by striking ", except benefits under—" and all that follows and inserting a period; and

(2) in subsection (b)—

(A) by striking "not" after "Armed Forces Voluntary Recruitment Act of 1945 shall"; and

(B) by striking "except—" and all that follows and inserting a period.

(b) CONFORMING AMENDMENTS.—

(1) HEADING.—The heading of such section is amended to read as follows:

**"§ 107. Certain service in organized military forces of the Philippines and in the Philippine Scouts deemed to be active service".**

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

"107. Certain services in organized military forces of the Philippines and in the Philippine Scouts deemed to be active service.".

**SEC. 3. EFFECTIVE DATE.**

(a) IN GENERAL.—The amendments made by this Act shall take effect on October 1, 1991.

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the effective date of this Act by reason of the amendments made by this Act.•

By Mr. DIXON:

S. 796. A bill to provide a one-time amnesty from criminal and civil penalties and 50 percent of the interest penalty owed for certain taxpayers who pay previous underpayments of Federal tax during the amnesty period, to amend the Internal Revenue Code of 1986 to increase by 50 percent all criminal and civil tax penalties, and for other purposes; to the Committee on Finance.

FEDERAL TAX DELINQUENCY ANMESTY ACT

Mr. DIXON. Mr. President, even after last year's contentious budget battle, and the enactment of the largest deficit reduction package in our history,

we stand here today facing the largest Federal budget deficit in our Nation's history. Our failures to get the deficit under control have hurt every American and have damaged the American economy.

There are many factors that have contributed to our budget crisis. One very important factor that continues to receive little attention is our deteriorating tax compliance levels. It is an alarming fact that during the past decade, as our Federal deficit grew to appalling levels, compliance with our Federal tax laws dramatically declined.

Since I first came to the U.S. Senate, I have repeatedly argued for, and introduced legislation to institute, a Federal Tax Amnesty Program. Even with substantial and growing noncompliance with our Nation's tax laws, this proposal has not received the attention or serious review that I believe it merits.

In 1983, the tax gap—that is, the difference between what is owed by the Federal Government and what is actually collected—was estimated to be $24 billion. By 1992, lost revenue to the Government could reach as much as $114 billion. Commissioner Goldberg, in testimony before the House Ways and Means Oversight Subcommittee last year, estimated the current tax gap to be $87 billion—$87 billion of uncollected taxes is scandalous! It exacerbates our mounting budget deficit, as well as increases burdens upon all honest taxpaying citizens.

Every year billions and billions of dollars are lost to our tax collection system. Part of the problem lies within the Internal Revenue Service itself. Its procedures are outdated and inefficient. At the same time, because the IRS is forced to share in domestic budget cuts, its manpower is grossly inadequate. In 1976, the Service audited 2.6 percent of tax returns; this year it will audit less than 1 percent. By increasing IRS collection efforts, and implementing new programs designated to recover the vast majority of these outstanding delinquent balances, we could collect billions that might otherwise be lost in our tax collection system.

Tax amnesty is a simple concept. It provides an opportunity for delinquent taxpayers—a majority of which are otherwise honest citizens who earn their livings respectably—to fully pay their overdue tax liability without being subject to criminal or civil prosecution.

Amnesty programs have worked well at the State level. States, including my State of Illinois, as well as Massachusetts, New York, Connecticut, Kansas, Alabama, Texas, Missouri, Minnesota, North Dakota, New Mexico, Arizona, California, Colorado, Louisiana, Oklahoma, South Carolina, Texas, Wisconsin, Arkansas, Florida, Iowa, Michigan, Mississippi, New Jersey, Rhode Island, West Virginia, Maryland, Idaho, Virginia, and the District of Columbia, have enacted tax amnesty programs.

The results of State amnesty programs have been impressive. These programs have demonstrated that many individuals and companies will come forward if they can pay their back taxes, and not be prosecuted. The State programs have also revealed that amnesty programs have enabled the States to collect significant amounts of currently uncollectable revenue with a minimal amount of resources. Over 130,000 delinquent taxpayers came forward in California—Illinois collected approximately $150 million—and over $72 million was collected in Massachusetts.

The State programs were not giveaways: They did not reward tax cheaters. Rather, the State programs were balanced. Following the amnesty period, compliance efforts and penalties for noncompliance were increased. The State programs have resulted in placing additional taxpayers back on the rolls. The success of these State tax amnesty programs has demonstrated the potential of this idea at the national level.

Mr. President, while I recognize the enormous differences between the State and the National tax systems, I believe a National Tax Amnesty Program will be effective.

It is true that Federal tax collection efforts are more sophisticated than those of the States. Nonetheless, our current tax system is failing the test. The magnitude of the tax gap is enormous, and it continues to grow. Voluntary compliance continues to decline, while, the public is becoming increasingly aware of the fact that large numbers of taxpayers are getting away with cheating. The Federal Government is losing billions of tax dollars—$87 billion this year. Of this $87 billion, underreported income—that is, overstated deductions and credits, as well as unreported income—represents roughly $40 billion. The largest portion of this unreported income is from sole proprietorships, informal supplier income, and capital gains.

At the Federal level, revenues from a tax amnesty/enforcement package can be utilized to help reduce our budget deficit. At the same time, these revenues can help preserve high-priority Federal programs that are currently facing drastic cuts or elimination.

The legislation that I am introducing today would establish a tax amnesty/tough enforcement package. A 6-month amnesty period would go into effect, beginning on July 1 after the bill is enacted.

All taxpayers would be eligible for the amnesty with some limited exceptions: First, those involved with the IRS in administrative or judicial proceedings before the amnesty period begins; second, those under criminal investigation where the IRS has referred the matter to the Justice Department before the amnesty period begins; and third, those who make false or fraudulent representations in attempting to take advantage of the amnesty.

The amnesty itself would be simple and straightforward. It would include amnesty from criminal and civil penalties and from 50 percent of any interest penalty owed. It would, however, apply only to legal-source income. Taxes due on income resulting from criminal activity would not be covered by the amnesty.

All Federal taxes would be included under the amnesty, not just the income tax.

The amnesty provisions are generous and provide a substantial incentive for taxpayers to take advantage of the amnesty period. However, the bill does not rely just on carrots; it also contains a couples of substantial sticks.

First, it increases all tax-related civil and criminal penalties, including money fines and jail terms, by 50 percent. The tougher penalities would apply to any tax year after 1987, and after the amnesty period, to any open tax year. Of course, the increased penalties would not apply to cases pending on the date of enactment where a judgment was entered before that date.

Second, the bill authorizes such funds as are necessary to add 3,000 additional revenue agents to the IRS—an increase of about 20 percent in the agent force. Adding agents has proven to be cost-effective, because each additional agent can bring in as much as 12½ times his salary in additional tax revenue. In fact, the IRS has informed me that agents can bring in as much as 40 times their salary, depending on where enforcement efforts are concentrated.

The bill also authorizes the funds that the Treasury will need to administer and publicize the amnesty program. The State experience demonstrates that wide publicity can significantly enhance the effectiveness of the amnesty program.

I believe in the amnesty concept, but I recognize the need to carefully analyze the potential impact of an amnesty program on compliance. I firmly believe that a tax amnesty program would undermine neither tax administration objectives nor the overall climate for voluntary compliance. As the State experience demonstrates, it will, in fact, add thousands of taxpayers to the rolls. Further, it will not adversely impact future tax collections. I am confident that the vast majority of honest taxpayers will see a one-time amnesty for what it is—a demonstration of the extraordinary efforts the Government is prepared to undertake to collect delinquent tax payments.

My legislation will not reward delinquent taxpayers the IRS has already

uncovered. It will provide an incentive to come forward to those who otherwise may not be discovered. These taxpayers would have to pay their full delinquent amounts, and it is worth forgoing the penalties in order to get them to do so.

As we battle headlong to reduce our uncontrollable budget deficit, debating over whether to cut essential programs or to impose unwanted taxes on our citizens, we should take advantage of the benefits that a tax amnesty program yields.

I urge my colleagues to carefully examine the amnesty concept. I remain confident that a thorough and fair-minded review of this proposal will result in large, bipartisan support for such a program.

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By Ms. MIKULSKI:

S. 797. A bill to establish programs for evaluation, research and development, and construction of a magnetic levitation transportation system between Baltimore, MD, and Washington, DC; to the Committee on Commerce, Science, and Transportation.

MAGNETIC LEVITATION TRANSPORTATION SYSTEM BETWEEN BALTIMORE, MD AND WASHINGTON, DC

Ms. MIKULSKI. Mr. President, I rise to introduce a transportation bill that really offers a new concept in transportation for the American people.

I want to, before I add comments on my own bill, say a few words about our dear colleague, Senator Heinz.

Senator Heinz played a very key role in the authorization of the Metro subway that is part of the National Capitol system. We Senators from Maryland and Virginia—Senators SARBANES, ROBB, WARNER, and myself—could not have moved the legislation had Senator Heinz not been willing to take the leadership in differences with the administration. He did that because of the committee from which he was the ranking member on Government Operations.

We now have an authorization bill for the National Capital subway because of the very fine work of Senator Heinz. How like him. There was nothing in it for Pennsylvania. There were prickly issues between the States and the administration. But in his own skillful way he stepped forward to resolve a problem, and it was to have an authorization framework to move forward. He did his job not as a Pennsylvania Senator; he did his job as a national Senator.

We in Maryland and in Virginia are grateful for what he did. I offer the incident and the anecdote just because I think it shows the kind of guy and the kind of Senator that John Heinz was.

Mr. President, I also now would like to take the opportunity to introduce a bill related to a new transportation technology called Mag Lev. Mr. President, this technology could mean that America could ride into the 21st century at 300 miles an hour on a cushion of air over magnets. It is a new technology that could generate new jobs and new opportunities for business and economic development. This technology is a train system.

I am advocating a demonstration project for the entire Nation to see if it is feasible, as well as if it is desirable. It would speed travelers between cities at triple the speed of conventional trains, as I said, floating above guideways by the same forces that push two similar charged magnets.

This is kind of what it looks like. I know it looks glitzy. But I am telling you this is the train of the future. I am introducing this legislation for Baltimore as a demonstration project, and the Baltimore-Washington corridor. I am introducing it along with my colleague from Maryland, Senator SARBANES.

Other colleagues have played a very important role in highlighting this: Senators MOYNIHAN, HOLLINGS, and EXON, whom I look forward to working with.

Mr. President, my bill will do a few things. It will jump start the mag-lev development process by authorizing a feasibility study of mag-lev between Baltimore and Washington. If passed, it would provide six 1-year grants for design competition, and it would offer Federal matching funds to the winner. It would limit this only to American companies and organizations. And it will be critical, then, for our future.

We will be building a public-private partnership where the Federal Government works with private industry to meet America's transportation needs. mag-lev is the transportation technology of the future because it is faster, cleaner, and more energy-efficient than cars of airplanes. It means a healthier environment, airports and roads that will not be jampacked, and will go toward energy independence.

The Baltimore-Washington corridor is a perfect test site. I say that with all modesty. In this corridor, it would link two major urban centers and would be the first step in a linking of the Northeast corridor.

Mr. President, I commute every day. I know what it is like to be in a rolling backup. I think it would be great for me to be able to get a morning paper, buy a cup of coffee in one of the ethnic diners I stop in every morning, and be at the Capitol in less than 15 minutes. I do not even know if I will have time to read my memos if this technology goes through. But I know this: I can read what the future is.

We need to have technology that will create opportunity in this country and that we can sell abroad. That is what this will do. It will be investing in the future.

Mr. President, I think this will bring benefits to America because we will be developing cutting-edge technology. We invented this technology, and then, in 1974, we dropped the ball and did not pursue it any further. The Japanese and Germans came in and picked up on it. They did it fair and square. They have now developed prototypes.

I am sick and tired of the inventions that we create but do not develop which end up coming back and taking America's jobs. We have to do more than export our dollars and export our jobs. That way, if Mag Lev works, we can be the Yankee peddlers around the world that we have been for two centuries.

Mr. President, I am happy today to introduce this bill for Baltimore and Maryland, but most of all, for our own country.

Let me reiterate.

Today I am taking the first step toward our transportation future by introducing legislation to make the Baltimore-Washington corridor the site of America's first high-technology, high-speed magnetic levitation rail system. I am introducing this legislation on behalf of Senator SARBANES and myself.

As I introduce my bill, I also want to recognize the leadership and advocacy of Senators MOYNIHAN, HOLLINGS, and EXON on Mag Lev. I want to work with them and other Senators to make Mag Lev a reality by the year 2000.

This train system—a demonstration project for the entire Nation—would speed travelers between cities at triple the speed of conventional trains, floating above guideways by the same force that pushes two similarly charged magnets apart.

My bill will:

Jump start the Mag Lev development process by authorizing a feasibility study of Mag Lev between Baltimore and Washington.

Award six 1-year grants to competing private companies or local governments to design a Mag Lev line, and,

Authorize Federal matching funds for the winner of the design competition to build the line.

Only American companies and organizations will be eligible to compete, and the Federal share of constructing the line will be no more than half the cost.

We are building a public-private partnership where the Federal Government works with private industry to meet the American public's transportation needs—and improve America's competitiveness.

Mag Lev is the transportation technology of the future. Faster, cleaner, and more energy-efficient than cars or airplanes, it will mean a healthier environment, airports and roads that aren't jampacked, and it will help our Nation become energy independent.

The Baltimore-Washington corridor is a perfect test site. Mag Lev in this corridor would link two major urban centers. It would be the first link in a

Northeast corridor system connecting Washington to New York City to Boston. It could end the endless backups on I-95 and the Baltimore-Washington Parkway. It cuts airport congestion.

And personally, I am excited about buying my morning cup of coffee at Jimmy's in Fells Point, Baltimore, and getting to work on Capitol Hill, in less than 15 minutes—with my coffee still hot.

In my years in the Senate, one of my top priorities has been to get Maryland and America ready for the future.

That means investing in the technologies of the future. Technologies like magnetic levitation that will give Maryland and America a competitive edge.

It will make it easier for companies to locate in Baltimore and do business in Washington. It will lure America's best minds and most advanced technologies to Maryland. And it will demonstrate Maryland's commitment to building a 21st Century economy.

These trains are fast and flashy, but they are not some Buck Rogers pipedream. Germany and Japan are already building theirs.

Twenty years ago, the United States led the world in Mag Lev research. We still dominate fields like superconductivity and cryogenics that are making Mag Lev feasible, but we are losing our edge.

As we demonstrate to the rest of the world the benefits of Mag Lev, we bring benefits home to America. We'll be building a 21st-century transportation infrastructure, developing cutting-edge technology that we can export around the world, cutting the gas line that ties us to Middle East oil.

The technology already exists. Mag Lev can be up and running by the year 2000. All we need now is the will to put it into place.

I yield the floor. I thank the Senate for its attention.

Mr. SARBANES. Mr. President, today I am pleased to join my colleague, the junior Senator from Maryland, in sponsoring the Baltimore-Washington Corridor Magnetic Levitation Transportation System Demonstration Act of 1991. This legislation authorizes a study of the feasibility of establishing a magnetic levitation railway link between Baltimore, MD and Washington, D.C. Once that study is completed, favorable data and results would form the basis for the construction of such a line.

The development of magnetic levitation technology, commonly known as maglev, was initially invented and researched in the United States. The technology uses electromagnetic force in order to suspend and propel a train a few inches above a guideway at speeds up to 300 mph. Since its initial discovery in the 1960's, only Japan and Germany have aggressively pursued and developed working transportation systems utilizing this technology. These have served to highlight maglev's potential as a safe, environmentally sound, economically viable, and energy efficient form of transport.

Mr. President, it seems logical that the Baltimore-Washington corridor would serve as an appropriate testing ground for an examination into both the practicality and plausibility of such a transportation system. The combined population of these two adjacent areas totals approximately 6 million, with 100,000 commuters traveling daily between the two cities, and 4,600 businesses based in the two vicinities. This combined area ranks fourth among the Nation's largest urban complexes. In a January, 1991 study entitled "Roadway Congestion in Major Urban Areas, 1982-88," it was found that of the six northeast cities, Washington and Baltimore ranked first and fifth respectively in terms of traffic congestion. Furthermore, the study found that the Washington area had the third worst traffic problem in the Nation, costing an estimated $1.73 billion a year in lost time, gas consumption, accident losses and other factors. The density of traffic which the introduction of such a system as maglev could relieve is quite apparent.

Additional positive attributes of the Baltimore-Washington corridor consist of: an existing interstate highway system, a ready made right of way for possible maglev tracks in I-95; the presence of BWI Airport as a feed into the proposed maglev line; and the very location of the corridor itself, which could serve as a potential springboard for an extended maglev system along the entire Northeast corridor. Recent articles and editorials published in both the Sun and Evening Sun have expressed cogent arguments for the introduction of maglev in this specific region. I ask unanimous consent that these be printed in full at the conclusion of my statements.

I commend Senator MIKULSKI for introducing this measure.

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

LEVITATING TO WASHINGTON

Will a day come when passengers can hop on a train in downtown Baltimore and arrive in downtown Washington 15 minutes later? Boosters of the "magnetic levitation" concept say such speed and convenience could be possible by the year 2000—if Congress can be persuaded to back a $600-million project to demonstrate the versatility of these quiet, vibration-free trains.

The new technology is mind-boggling. Magnetic levitation trains, instead of riding on steel wheels and rails, would float above a roadbed to which they are linked by electromagnetic forces.

The initial maglev technology was developed by American scientists in the 1960s. But as in the case of two other flashes of American imagination—the VCR and fiber optics—Japanese and German companies (and governments) have become the leading developers of this revolutionary transportation mode.

In fact, when Las Vegas asked for bids for a maglev line linking that city with Los Angeles, the only proposal came from a German consortium. "This is a technology that might mean to the next century what civil aviation has meant to the latter part of this century," says Rep. Robert Torricelli, a New Jersey Democrat.

An American consortium, contending that perfecting magnetic levitation outside the laboratory is too expensive for the private sector to undertake single-handedly, is trying to secure federal aid to catch up with the Germans and Japanese.

Maryland's Democratic Sen. Barbara A. Mikulski says she will introduce legislation that would designate the Baltimore-Washington corridor for the construction of a 40-mile roadbed for 300-mph magnetic levitation passenger trains. This is a 21st century idea that merits strong congressional support in the final decade of the 20th century.

[From the Evening Sun, Mar. 11, 1991]

RIDE TO THE FUTURE

While American technology has transformed the weapons of warfare, American inventions that could revolutionize daily life have languished or been adopted by foreign competitors. One such invention—magnetic levitation, or "maglev," a clean, quiet, vibration-free train that can travel in excess of 300 mph—was invented in this country in the 1960s. But anyone who wishes to ride a maglev train will have to travel to Germany or Japan. Maglev technology still needs some work, but many people say it could revolutionize transportation in the 21st century.

In an attempt to get this country back into the maglev arena, members of Congress are proposing legislation to build a prototype route of 30 or 40 miles. The big question, of course, is where—and a consortium called MAGLEV USA has a perfect answer: between Baltimore and Washington, D.C. The route has much to recommend it, since there is plenty of traffic between the two cities and a major airport could feed into the line. Once built, the line would fit nicely into a longer East Coast system. From a local perspective, the advantages for Maryland and its economy are obvious. Consider the boost to Baltimore if downtown Washington were a mere 15-minute ride away.

The ball is rolling on Capitol Hill, and MAGLEV USA has enlisted an impressive amount of local support from the private sector. For instance, Alex Brown, which helped finance the country's first commercial railroad, wants to continue its participation in pioneering transportation projects by helping underwrite maglev.

The missing link in this campaign is enthusiastic support from the state government. Tomorrow, however, the state House Ways and Means Committee will hear testimony on a joint resolution of the Maryland General Assembly sponsored by Prince George's Del. Joseph Rosapepe urging Congress to finance the project and to choose the Baltimore-Washington corridior as its location.

Eventually, of course, the state would be required to contribute a portion of the project's cost, 10 percent or so. But that contribution would be spread over several years and would not be required until 1993 at the earliest. By that time, Maryland can hope to have weathered the current fiscal crisis and be ready to help pioneer the transportation of the future.

HIGH-SPEED TRAIN LINK TO D.C. MAY GET ON TRACK

(By David Conn)

ANNAPOLIS.—Don't blink. A Buck Rogers high-speed railroad that could carry commuters from Washington to Baltimore in less than 15 minutes may be on the way. It will be so clean and quiet that at speeds of more than 300 mph, a momentary lapse in attention means you might miss the train. So don't blink.

This is the dream of a consortium of public and private organizations, more than half from Maryland, that is lobbying Congress and Maryland's General Assembly to finance construction of a prototype magnetic levitation, or maglev, line from Baltimore to Washington.

Maglev, invented in the United States in the 1960s, would use electromagnetic force to suspend a train a few inches above a guideway and then propel it quietly. An actual commercial railroad run by maglev is merely a pipe dream at this point, although prototype lines have been built in Germany and Japan.

But U.S. Sen. Daniel Patrick Moynihan, D-N.Y., is expected to introduce a bill within a few weeks calling for a federal commitment to a $1 billion project to design and build a prototype maglev route of 30 or 40 miles.

Supporters of the plan predict that if Congress chooses Maryland for the first route, the project will transform the Baltimore area's economy, not only because of the tourism value and not just because a $1 billion construction project would go up along Interstate 95.

"I think the major economic development impact is it's the most important thing we can do to drive the Baltimore and Washington economies together," said Delegate James C. Rosapepe, D-Prince George's, who has sponsored a joint resolution in the General Assembly to urge Congress to finance the project and to choose Baltimore and Washington as its end points.

"This would make the concept of the SMSA [Standard Metropolitan Statistical Area] a reality." Mr. Rosapepe said, "because it would mean that it would be very, very feasible for lots of people to live in Washington, and in Baltimore—and vice versa—or work in both cities at the same time."

The ride probably would take 15 minutes or less, including a stop at Baltimore-Washington International Airport that could help draw some travelers from National and Dulles, the other Washington-area airports.

Scientists think the current cost of building a maglev line—$20 million to $24 million a mile—could be lowered to $10 million or less using technology now being studied.

Ideally, the price of a ticket would be competitive with those of tickets for other rail lines between the two cities, said William Boardman, president of the consortum, called MAGLEV USA.

The consortium's 12 members include Baltimore Gas and Electric Co., which wants to provide the electricity to run the train; Alex. Brown & Sons Inc., which helped finance the first commercial railroad in the United States and wants to do the same for maglev; Westinghouse Electric Corp.; Whiting-Turner Contracting Co.; Grumman Corp.; the Abell Foundation; Center City-Inner Harbor Management Inc.; the University of Maryland; and CSX Transportation Inc.

MAGLEV USA has been "trying to create interest with the federal government," Mr. Boardman said. "At the same time, we're trying to create interest at the state and local level."

State officials will have to be more than a little interested to sign on to the project, which probably will cost Maryland 10 percent or more of the $1 billion price tag.

There's no doubt that Baltimore needs faster, more frequent rail service between the two cities, said Robert Keller, president of the Greater Baltimore Committee. And maglev "has a magic to it because of the new technology," he said. "The question is, is it affordable?"

Delegate Thomas H. Hattery, D-Frederick, who co-sponsored Mr. Rosapepe's resolution, pointed out that a $100 million project spread over four or five years is a relatively small bite out of the state Department of Transportation's $1.5 billion annual budget. And the first installment of the money won't be needed until fiscal 1993, at the earliest.

Even for some who don't consider themselves maglev fanatics, the potential benefits to the region are clear. Federal agencies, national trade associations, law firms and nonprofit organizations that were already beginning to take Baltimore seriously as a location would be more likely to move to the city if they were less than 30 minutes from Capitol Hill, Mr. Keller said.

Class A office space in Baltimore rents for $10 to $12 a square foot less than it does in Washington, he pointed out. The decision to move north would make sense "as the federal government searches for cost-effective ways of managing their agencies," Mr. Keller said.

Mr. Rosapepe thinks that Maryland, home of the first commercial railroad in the 1830s, cannot afford to miss out on one of the most important technologies of the 21st century.

"The reason the port of Baltimore expanded so much in the 19th century," he said, "is because we were the first to have a railroad"—the Baltimore & Ohio, which connected the city to the Midwestern markets beyond the Allegheny Mountains. "That was for a raw materials-based economy, and this is for a service-based economy."

David Brown, a MAGLEV USA member from BG&E, went even further. "In our opinion, this is going to be as important as the airplane for transportation in the next 40 years," he said.

But first, assuming Congress agrees to finance the project, the consortium must convince the lawmakers that Maryland is the place for maglev. There are six other locations looking into building a line, and some of them are farther along than Maryland in the planning stages.

The possible routes are Los Angeles to Las Vegas; Seattle to Tacoma, Wash.; the Orlando, Fla., airport to International Drive just outside Disneyworld; Pittsburgh's airport to the downtown area; and locations in upstate New York and Ohio, Mr. Boardman said.

For Mr. Rosapepe, Baltimore-Washington is the ideal route. Few other locations have the density of intercity traffic that maglev could relieve; the distance is just about right for a $1 billion allocation; there is a major airport along the route to use maglev as a feeder; and the route is an obvious launching pad for running an extended maglev system along the Northeast Corridor.

Besides, the route is close to Washington, "so it'll get more attention from the decision-makers," Mr. Rosapepe said.

His resolution will be heard by the Ways and Means Committee next week, only two weeks after the federal government issued a request for proposals for about a half-dozen small ($1.5 million each) initial design contracts. A response is due at the end of April, Mr. Boardman said, noting that Maryland could show its interest by spending $1 million or so to aid those studies.

"Within the next couple of months," he said, "there is an opportunity for the state to say, 'Yes, we want to play a role,' or 'No, we don't.'"

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By Mr. CRANSTON (for himself, Mr. PACKWOOD, and Mr. ADAMS):

S. 798. A bill to amend title 18, United States Code, to provide a criminal penalty for interfering with access to and egress from a medical facility; to the Committee on the Judiciary.

FREEDOM OF ACCESS TO CLINICAL ENTRANCES ACT

• Mr. CRANSTON. Mr. President, I am today introducing S. 798, the Freedom of Access to Clinic Entrances Act of 1991. This legislation is aimed at protecting the rights of women seeking medical assistance at health facilities which provide abortion services. It is intended to protect these women from physical interference with their right to enter and leave such facilities.

This measure is based upon a similar bill which I introduced in the last Congress as S. 2321. I am pleased to be joined in introducing this measure by the distinguished Senator from Oregon [Mr. PACKWOOD] and the Senator from Washington [Mr. ADAMS]. A companion bill is being introduced in the House of Representatives by my good friend and colleague from California, Representative MEL LEVINE.

Quite simply, Mr. President, the legislation we are introducing today would make it a Federal crime to prevent an individual from entering or exiting a medical facility by physically detaining the individual or obstructing, impeding, or hindering the individual's passage. Persons found guilty of a violation of this law would be subject to a fine or imprisonment of not more than 3 years or both. The legislation specifically provides that the term "physically" does not incude speech. It also provides that any person aggrieved by a violation of this law may obtain appropriate relief, including injunctive relief, in a civil action and may recover reasonable attorney's fees.

Mr. President, this is a tough bill because we are dealing with a very serious problem. Medical facilities throughout the Nation which provide safe, legal abortion procedures for women exercising their constitutionally guaranteed right to choice have been under siege by highly organized groups like Operation Rescue. These organizations and groups are not engaged in peaceful, nonviolent protests. They are engaged in a concerted effort to force their will upon women and health providers by physically invading health facilities which provide abortion services, setting up blockades which prevent staff and patients from entering or leaving these facilities, and

engaging in direct physical assaults upon individuals attempting to enter the buildings.

According to statistics compiled by the National Abortion Federation [NAF], in last year alone there were 67 reported incidents of violence against health facilities providing abortion services. Since NAF began collecting this data in 1977, there have been a total of 829 reported incidents, including 34 bombings and 52 cases of arson, and 43 cases of attempted arson or bombing. There have also been more than 400 cases of clinic blockades.

One of the reported cases of arson in 1990 included a fire set at a Planned Parenthood clinic in Concord, CA. That arson incident last September resulted in 90,000 dollars' worth of damage to the clinic. Over the past 6 years, according to the NAF report, there were 12 incidents of arson or bombings or attempts in California. These incidents ranged from a Molotov cocktail thrown through the lobby window of a San Diego clinic to the partial destruction of a Riverside clinic by a fire set in the facility.

Mr. President, I ask unanimous consent that the NAF annual report on incidents of violence and disruption against abortion providers be printed in the RECORD at the conclusion of my remarks.

It is important to recognize that the NAF incident report includes only those cases reported to NAF. The actual number of cases is undoubtedly higher.

Indeed, during a series of meetings I held in California with prochoice organizations and health providers I repeatedly heard reports about the growing problem of clinic violence. Health facility employees and volunteers are routinely cautioned against wearing jewelry that can be ripped from their bodies by clinic protesters. Six patients and five staff members at a clinic in Monterey County were held prisoner in the facility for 6 hours by over 300 antichoice individuals. One patient seeking a scheduled cancer treatment was blocked from entering. Of the 104 individuals who were eventually arrested in this incident, only 6 were local residents. The rest were outsiders, brought in to shut down this local clinic.

In Daly City, CA, clinic blockaders refused to allow a pregnant patient who began suffering a miscarriage outside the clinic to enter. The clinic staff was finally able to find a car and transport the hysterical woman to another facility some 15 miles away.

Mr. President, these women's health facilities often provide a broad range of health services for women, including cancer screening, pap tests, treatment of reproductive disorders and family planning services. Patients who are unable to get into the facility may be forced to forego essential treatment services. Moreover, clinic blockades could prevent or delay patients who may have a medical emergency from being transferred to a hospital. Blockading health facilities is a very dangerous activity and must be halted.

The most effective way to end this violence and interference with women exercising their constitutional right to freedom of choice is to make sure that those who engage in this kind of conduct know that they will face tough criminal sanctions. This legislation is designed to send a very strong message that those who violate the rights of others will be subjected to the full force and weight of the law.

NEED FOR FEDERAL LEGISLATION

Mr. President, criminal sanctions have traditionally fallen within the responsibility of the State governments. I am pleased to report that a number of States have begun to respond to this problem. The State of Maryland led the way in 1989 with enactment of the first State legislation making it a specific offense to interfere physically with an individual attempting to enter or exit a medical facility. In the past week, similar legislation has been introduced in the California Assembly. Legislation criminalizing clinic blockades has also been introduced in the Washington State Legislature.

At the same time, however, it is clear that a Federal criminal statute and Federal civil remedy are both necessary and appropriate in this instance. Historically, Federal criminal sanctions and remedies have been imposed, in addition to State criminal sanctions and remedies, where important Federal rights are at issue, where interstate activity is involved or where there is a compelling need to establish uniform Federal sanctions and protections. For example, Federal criminal sanctions and civil remedies for violation of civil rights were enacted during an era when certain regions of the Nation were unwilling to protect the rights of black citizens.

The circumstances warranting Federal remedies and sanctions are clearly present in this situation.

First, the basic right involved—the right of individual women to obtain safe and legal abortions services—is a federally protected right, guaranteed by the Constitution of the United States. The Federal Government has a responsibility and an obligation to help assure the protection of federally guaranteed rights.

Second, there is ample evidence to indicate that the assaults on these health clinics are being masterminded by organizations such as Operation Rescue which are interstate in nature and involve interstate conspiracies to interfere with the exercise of constitutionally guaranteed rights by individual women.

Third, although many State and local law enforcement officials have been very courageous and vigorous in their efforts to protect the women and staff of these health facilities, there have been other instances where local government officials have refused to enforce the law against those engaged in clinic violence. For example, the sheriff of Nueces County, TX, has repeatedly stated that he "would not stop prolife demonstrators from blocking abortion clinics" or "take any action that would assist people to get into a place where abortions were going to be performed."

STRONG CRIMINAL SANCTIONS DO WORK

Mr. President, some may suggest that because of the emotional nature of the issues involved, imposing tough criminal penalties upon those engaged in clinic blockades will have little impact. The facts show exactly the opposite. In those jurisdictions where these individuals have been subject to stiff sentences and heavy fines, the violence and unlawful conduct has diminished. In Florida and New York, for example, heavy fines and tough jail sentences have forced leading Operation Rescue activists to cease their activities.

Unfortunately, in too many jurisdictions, clinic blockaders have been given token fines and suspended jail sentences.

This legislation would guarantee that punishment commensurate with the offense is actually imposed. Under the new Federal sentencing guidelines, repeat offenders and those who use physical force to impose their views on others will be subjected to stiffer penalties. The guidelines provide for increased penalties where a victim is physically restrained in the course of the offense, where the defendant was an organizer or leader of a criminal activity that involved five or more participants or where the defendant has a record of prior offenses. Thus, under the objective sentencing criteria outlined in the U.S. Sentencing Commission Guidelines Manual, the likelihood that these individuals will get minimal sentences is greatly diminished.

CLINIC BLOCKADES AND VIOLENCE IS NOT A LEGITIMATE FORM OF PROTEST

Mr. President, one thing should be made absolutely clear: those who oppose abortion have every right to make their views known. Freedom of speech is a deeply cherished right protected by the first amendment to our Constitution. Those who oppose abortion are free to engage in peaceful demonstrations, to picket, to pass out literature, and to engage in political activities to articulate their views.

Abortion is a deeply emotional and divisive issue. The passions on both sides often run deep and strong.

However, those who oppose freedom of choice in matters relating to abortion cross the line between legitimate protest and criminal conduct when

they physically prevent others from exercising their constitutional rights in this area.

Some have suggested an analogy between antichoice protesters and the civil rights protesters of the 1960's. In fact, antichoice protesters who go beyond peaceful protest and engage in violence, physical intimidation and assault have little in common with those who sought to assert and protect constitutional freedom during the turbulent civil rights struggles of the sixties. A closer analogy can, however, be drawn between these violent protesters and the segregationists who barred black citizens from entering school house doors in a vicious and often violent effort to deny black Americans free exercise of their constitutional rights.

Mr. President, this legislation is carefully crafted to protect women and health providers from physical violence while recognizing the right of legitimate protest. It specifically excludes activities related to freedom of speech and peaceful protest.

CONCLUSION

Mr. President, if we want the violence and physical intimidation to end, we need to send a very strong signal that it will not be tolerated. This measure is designed to deal with the specific problem of clinic blockades. It includes provisions which would not only provide for criminal sanctions, but also would allow individuals, women or health care providers, whose rights have been invaded by clinic blockaders to bring civil actions in Federal district courts to protect their rights. It authorizes appropriate relief, including injunctive relief, along with attorney's fees to be awarded to these aggrieved individuals. The bill specifically authorizes a private right of action to protect the rights of women and clinic staff seeking to enter or exit health facilities which provide abortion services. Similar relief has been provided in Federal courts under other applicable Federal statutes, including civil rights statutes and the RICO statute.

Although a number of Federal courts have authorized injunctive relief under existing statutes, the Supreme Court's acceptance of a clinic blockade case arising out of the fourth circuit has caused some concern that an adverse high court decision in that case might curtail Federal civil remedies for victims of clinic blockades. This bill is specifically and intentionally tailored to deal with these abortion clinic blockades so that there can be no debate or argument as to its applicability or the power of Federal courts to grant appropriate relief in these cases. This remedy would be in addition to any other remedy which might be available to the victims of clinic blockades under other State or Federal statutes.

Finally, Mr. President, let me state again that the problem of clinic blockades is a very serious and important problem that must be resolved. Last year, I authored an amendment to the National Affordable Housing Act, enacted as section 906 of Public Law 101-625, which provides that municipalities which fail to adopt and enforce a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility which is the subject of a clinic blockade will lose their eligibility for community development block grant funds. I intend to work to assure that this new law is adequately enforced and to protect the constitutional right to freedom of choice for all women. Passage of this legislation will bring us a step closer to achieving that goal.

I am pleased that this legislation has been endorsed by a number of organizations concerned with protecting women's rights to freedom of choice including the National Abortion Federation, Planned Parenthood Federation of America, National Coalition of Abortion Providers, and National Abortion Rights Action League.

I ask unanimous consent that the text of this bill, the NAF annual report, and letters from supporting organizations be printed in the RECORD at this point.

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

S. 798

*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 "Freedom of Access to Clinic Entrances Act of 1991".

**SEC. 2. TITLE 18 AMENDMENT.**

(a) OFFENSE.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

**"§ 248. Interference with access to or egress from a medical facility**

"(a) Whoever, other than an agent of a medical facility or a law enforcement officer acting within the scope of such officer's official authority, intentionally prevents an individual from entering or exiting that medical facility by physically—

"(1) detaining the individual; or

"(2) obstructing, impeding, or hindering the individual's passage,

shall be fined under this title or imprisoned not more than 3 years, or both.

"(b) Any person aggrieved by a violation of this section may in a civil action under this title obtain appropriate relief (including injunctive relief), and shall be awarded a reasonable attorney's fee as a part of the costs.

"(c) As used in this section—

"(1) the term 'physically' does not include speech; and

"(2) the term 'medical facility' includes a hospital, clinic, physician's office, or other facility which provides health or surgical services.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

"248. Interference with access to or egress from a medical facility.".

INCIDENTS OF VIOLENCE AND DISRUPTION AGAINST ABORTION PROVIDERS

| | 1977–83 | 1984 | 1985 | 1986 | 1987 | 1988 | 1989 | 1990 | Total |
|---|---|---|---|---|---|---|---|---|---|
| Violence (number of incidents):[1] | | | | | | | | | |
| Bombing | 8 | 18 | 4 | 2 | 0 | 0 | 2 | 0 | 34 |
| Arson | 13 | 6 | 8 | 7 | 4 | 4 | 6 | 4 | 52 |
| Attempted bombing or arson | 5 | 6 | 10 | 5 | 8 | 3 | 2 | 4 | 43 |
| Invasion | 68 | 34 | 47 | 53 | 14 | 6 | 25 | 19 | 266 |
| Vandalism | 35 | 35 | 49 | 43 | 29 | 29 | 24 | 25 | 269 |
| Assault and battery | 11 | 7 | 7 | 11 | 5 | 5 | 12 | 6 | 64 |
| Death threat | 4 | 23 | 22 | 7 | 5 | 4 | 5 | 7 | 77 |
| Kidnapping | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Burglary | 3 | 2 | 2 | 5 | 7 | 1 | 0 | 2 | 22 |
| Total number of incidents reported | 149 | 131 | 149 | 133 | 72 | 52 | 76 | 67 | 829 |
| Disruption (number of clinics):[2] | | | | | | | | | |
| Hate mail and harassing calls | 9 | 17 | 32 | 53 | 32 | 19 | 30 | 21 | ..... |
| Bomb threats | 9 | 32 | 75 | 51 | 28 | 21 | 21 | 11 | ..... |
| Picketing | 107 | 160 | 139 | 141 | 77 | 151 | 72 | 45 | ..... |
| Clinic blockades:[3] | | | | | | | | | |
| Number of clinics | 0 | 0 | 0 | 0 | 2 | 138 | 103 | 21 | ..... |
| Number of incidents | 0 | 0 | 0 | 0 | 2 | 182 | 201 | 34 | 419 |
| Number of arrests | 0 | 0 | 0 | 0 | 290 | 11,732 | 12,538 | 1,363 | 26,357 |

[1] Statistics represent incidents reported to NAF: actual number may be higher.
[2] Due to clinic duplication, totals for "number of clinics" are not applicable. Statistics represent incidents reported to NAF: actual number may be higher.
[3] "Clinic blockades" are protests during which groups of demonstrators physically block the doors to reproductive healthcare facilities to prevent patient access.
Despite claims to be nonviolent, many "blockaders" are arrested for assault, trespass, and invasion. Note: The "number of arrests" represents the total number of arrests, not the total number of persons arrested—many blockaders are arrested repeately.

| Date, Facility, and city/State | Incident | Estimated damage |
|---|---|---|
| ARSON AND BOMBING INCIDENTS, 1990 | | |
| January, 1990, Aid For Women, Kansas City, KS. | 1 attempted arson | 0 |
| May, 1990, Lovejoy Surgicenter, Portland, OR. | 1 arson | $15,000 |
| May, 1990, Planned Parenthood of Syracuse, Syracuse, NY. | 1 arson; 2 attempted arsons. | 570 |
| September, 1990, Planned Parenthood of Central Mass., Worcester, MA. | 1 attempted bombing | 500 |
| September, 1990, Planned Parenthood of Shasta Diablo, Concord, CA. | 1 arson | 90,000 |
| November, 1990, Fort Wayne Women's Health Organization, Fort Wayne, IN. | 1 arson | 10,000 |
| Total | | 116,070 |
| January, 1990, Memphis Center for Reproductive Health, Memphis, TN. | Concrete block thrown through window. | 3,000 |
| May, 1990, West End Women's Medical Group, Reno, NV. | Antichoice slogans painted on wall; stairs destroyed. | 1,400 |
| May, 1990, Allegheny Reproductive Health Service, Pittsburgh, PA. | Roof of clinic damaged with ax. | 50,000 |
| June, 1990, Planned Parenthood of Minnesota, St. Paul, MN. | Director assaulted at clinic | (1) |
| July, 1990, Atlanta Surgi Center, Atlanta, GA. | Noxious chemical poured into ventilation system. | 2,000 |
| October, 1990, Women's Health Services, Pittsburgh, PA. | Noxious chemical flushed into clinic with water from floor above. | 12,000 |
| October, 1990, Northeast Women's Center, Phila., PA. | Safety glass on front door broken. | 1,500 |
| December, 1990, Women's Pavilion, South Bend, IN. | Roof vandalized | [2] 3,000 |
| Total; | | 72,900 |
| Total dollar damge to clinics. | | 188,970 |

[1] Unavailable.
[2] Preliminary estimate.

Note.—See NAF's Violence and Disruption Fact Sheet for more information and totals of all incidents.

NATIONAL ABORTION FEDERATION,
*Washington, DC, April 8, 1991.*

Hon. ALAN CRANSTON,
*Hart Senate Office Building, Washington, DC*

DEAR SENATOR CRANSTON: On behalf of the National Abortion Federation (NAF), a national association of reproductive health care professionals, I fully endorse the Freedom of Access to Clinic Entrances Act. We appreciate your leadership in protecting women's health and safety.

All across the United States, women have been subjected to harassment, intimidation, and physical violence while trying to enter reproductive health facilities. Such actions clearly violate the rights and privacy of women, and can be dangerous or life-threatening in emergency situations.

In the absence of a national law specifically addressing the issue of access, many clinics have been forced to spend thousands of dollars in legal fees and court costs so that their patients could enjoy a freedom which is already theirs according to law. If enacted, the Freedom of Access to Clinic Entrances Act will provide badly needed protection, allowing women unhindered access to gynecological and abortion services.

It is unfortunate that, for women, Congressional action is a prerequisite to free access to health care. We deeply appreciate your recognition of this serious problem and your attempts to rectify it. Please let us know if we can assist you in any way.

Sincerely,

BARBARA RADFORD,
*Executive Director.*

PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.,
*Washington, DC, April 8, 1991.*

Hon. ALAN CRANSTON,
*U.S. Senate, Washington, DC.*

DEAR SENATOR CRANSTON: Thank you in advance for introducing the "Free Access to Clinic Entrances Act of 1991." This bill is unfortunately necessary to help stop attempts to close clinics, doctors' offices and hospitals that offer reproductive health services to women and their families. By making it a federal felony to interfere with a person entering or exiting a medical facility, this act should help to deter those who try to prevent women's access to legal medical procedures.

During the past several years, many clinics across the country have been subject to blockade and invasion by groups such as Operation Rescue. While none of our clinics has been forced to close, women seeking services have been harassed and medical services they sought have often been delayed. Employees also have been subjected not only to verbal abuse but also in some cases to physical assault. In some jurisdictions, prosecution under local or state laws has helped to deter recurrence of these crimes. However, in many instances this has not been the case. The passage of a federal statute guaranteeing a woman's access to medical facilities will provide an added measure of protection to women seeking reproductive health services.

Again, thank you for taking this important step in protecting a woman's right to abortion. We pledge the assistance of Planned Parenthood in helping to secure enactment.

Sincerely,

WILLIAM W. HAMILTON, Jr.,
*Director, Washington Office.*

NATIONAL COALITION OF ABORTION PROVIDERS,
*Washington, DC, March 18, 1991.*

Hon. ALAN CRANSTON,
*Hart Senate Office Building, U.S. Senate, Washington, DC.*

DEAR SENATOR CRANSTON: Thank you for sending to me the latest version of the "Freedom of Access to Clinic Entrances Act."

On behalf of all of our clinics, I would like to express my enthusiastic support for this legislation. The simple fact is that providers everywhere need as many tools as possible to stop protestors from stopping patients from entering clinics. All too often, local laws (if they are enforced) do not deter such behavior. While this will not solve the problem single-handedly, it will surely be of great assistance to our clinics.

Again, thank you for your efforts in this area. Please feel free to call upon me for any assistance that you think I can provide.

With warm regards,

RON FITZSIMMONS,
*Executive Director.*

NATIONAL ABORTION RIGHTS ACTION LEAGUE,
*Washington, DC, April 8, 1991.*

Hon. ALAN CRANSTON,
*U.S. Senate, Washington, DC.*

DEAR SENATOR CRANSTON: The National Abortion Rights Action League endorses wholeheartedly the efforts you and Representative Levine have undertaken to introduce legislation to make it a felony to forcibly stop an individual from entering or leaving a medical facility. The Freedom of Access to Clinic Entrances Act imposes necessary penalties while continuing to guarantee opponents of abortion and family planning the right to make their views known through peaceful demonstrations.

Over the past few years, incidents of violence and intimidation that have escalated at hospitals, clinics and doctors' offices where reproductive health services, including abortion, are provided.

Spearheaded by "Operation Rescue," opponents of women's right to choose abortion have blockaded entrances to health facilities all over the country. Their efforts to block the civil rights of others have erupted into cases of violence, neighborhood disturbance, and have produced an undue drain on limited local law enforcement services. The tactics of these anti-choice demonstrators have succeeded in denying women access to needed health care, including the family planning services necessary to prevent unplanned pregnancies.

NARAL supports your bill and will urge members of the Senate and House to join you and Rep. Levine as cosponsors of the Freedom of Access to Clinic Entrances Act. This important legislation represents a positive step toward correcting the untenable situation caused by unlawful actions and protects the rights of individuals seeking medical treatment.

If you need any assistance, please contact the NARAL legislative staff at 408-4600. Thank you for your continued efforts to protect the health interests of women.

Sincerely,

KATE MICHELMAN,
*Executive Director.*●

By Mr. NICKLES:

S. 799. A bill to amend the Davis-Bacon Act and the Service Contract Act of 1965 to exempt from such acts tenants of federally related housing who participate in the construction, alteration, or repair of their principle residences, and for other purposes; to the Committee on Labor and Human Resources.

RESIDENT EMPLOYMENT OPPORTUNITY ACT

● Mr. NICKLES. Mr. President, I am introducing a bill today which I believe will have significant impact on the lives of many residents of public and federally assisted housing projects.

This bill, the Resident Employment Opportunity Act, will open the door of opportunity for tenants across the country who want to be able to compete for construction, alteration, and repair work on the project which they are currently residing.

Under current law, a tenant is forced to sit idly while a Federal contractor brings in outside workers because of an outdated Federal law which does not allow Federal contractors to pay nontenant workers at market wages.

The Davis-Bacon Act requires contractors to pay all workers on federally funded construction projects valued at more than $2,000 the prevailing wage for that type of work, as determined by the Department of Labor. This policy costs the taxpayer $900 million per year and shuts out those laborers who do not have the skills to command the higher wages.

I see no reason why this bill should not be considered and passed by the

Senate. An amendment which also allowed the homeless to work on their shelters passed the Senate by voice vote in 1987. This past session, I offered a tenant exemption amendment to the National Affordable Housing Act and it was tabled. However, the bill that I am introducing today is quite narrowly drafted.

My bill, the Resident Employment Opportunity Act, exempts only tenants of public housing or federally assisted housing projects and only when the work is on his or her principal residence. Principal residence is defined in the bill as the building in which a tenant resides, any building located in the same project, and any real property that is managed as part of the project.

While reform of the Davis-Bacon Act is important, at this time, I am simply asking Congress to consider a narrowly drafted bill which will benefit those individuals who are looking for a way to improve their lives for themselves and their families. This bill will provide an opportunity for on-the-job training which will lead to the development of new skills and eventual independence. I urge the support of my colleagues.

Mr. President, I ask unanimous consent that a letter from Secretary Kemp relative to this legislation be printed in the RECORD.

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

DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,
*Washington, DC, March 11, 1991.*

Senator DON NICKLES,
*U.S. Senate,*
*Hart Senate Office Building, Washington, DC.*

DEAR DON: I am writing to let you know of my interest in and support of your efforts to create greater opportunities for jobs and entrepreneurship in our nation's public and assisted housing communities.

As you know, I recently visited two assisted housing communities in Tulsa, Oklahoma—Morning Star Village and Vernon Manor. I was impressed by the determination of the residents of these communities to make a better life for themselves and their children.

The Resident Employment Opportunity Act, which I understand you plan to introduce, will allow public housing residents to learn skills and gain work experience at competitive wages when they are working on the construction, alteration or repair of their own homes. It will do so by allowing Davis-Bacon and other federal wage rates to be waived when public and assisted housing tenants are hired by contractors to assist with the construction and rehabilitation of their own homes.

Low income residents of public and assisted housing should be given the chance to compete for these jobs. I commend you for your efforts to expand jobs and entrepreneurial opportunities in our nation's public and assisted housing communities.

Very sincerely yours,

JACK KEMP,
*Secretary.*●

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By Mr. PACKWOOD (for himself and Mr. HATFIELD):

S. 800. A bill for the relief of Carmen Victoria Parini, Felix Juan Parini, and Sergio Manuel Parini; to the Committee on the Judiciary.

RELIEF OF PARINI FAMILY

● Mr. PACKWOOD. Mr. President, today Senator HATFIELD and I are introducing legislation which would allow three of our constituents to become U.S. Citizens. Felix Juan Parini, Sergio Manuel Parini, and Carmen Victoria Parini all believed they were U.S. citizens by virture of their father's citizenship. However, in 1987, when Felix Juan Parini applied for a passport renewal, it was discovered that his father had not met the residency requirements to pass citizenship on to Felix, Sergio, or Carmen. Before this time, all three had believed in good faith that they were U.S. citizens. The misunderstanding was due not to any fault on the part of the Parini's, but to apparent agency errors. Both the State Department and the Immigration and Naturalization Service have concluded that private legislation is the only way to remedy this unfortunate situation.

Mr. President, I rarely introduce private legislation. I reserve it for those cases which I believe to be truly meritorious and in need of extraordinary relief. The Parini's have been ambitious, contributing members of their community, pursuing careers and education. In addition, Felix Juan Parini serves in the Oregon National Guard, and for several months was on standby to be sent to the Persian Gulf.

I am pleased to introduce legislation today that will allow Felix, Sergio, and Carmen Parini to become U.S. Citizens.●

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By Mr. REID (for himself, Mr. BRYAN, Mr. SARBANES, Mr. WIRTH, Mr. GARN, Mr. JEFFORDS, Mr. DANFORTH, and Mr. HATCH):

S. 801. A bill to amend the National Trails System Act to designate the Pony Express National Historic Trail and California National Historic Trail as components of the National Trails System; to the Committee on Energy and Natural Resources.

NATIONAL TRAILS SYSTEM ACT AMENDMENTS

Mr. REID. Mr. President, today it is my privilege to introduce legislation to designate the Pony Express Trail and the California Trail as National Historic Trails under the National Trails System.

The Pony Express galloped into postal history on April 3, 1860. It was like a giant relay, in which about 75 ponies ran in each direction. At each station, these heroic riders were given only 2 minutes in which to transfer the saddle bags to fresh ponies and be on their way again. The Express ran day and night, in all kinds of weather and in the face of Indian attack. In the 18 months that the Express operated, only one trip was missed when a westbound rider charged into Dry Creek Station, clinging to his saddle horn. He had been fatally wounded by Indians and died in a few hours, but he had brought the mail through in its blood stained mochilla, a leather saddle blanket containing four cantinas or boxes for carrying the mail. The service was sponsored and financially supported by a well-known freighting firm of the time: Russell, Majors, and Waddell.

William H. Russell had failed repeatedly to get backing from the Senate Post Office and Post Roads Committee for an express route to carry mail between St. Joseph, MO—the westernmost point reached by the railroad and telegraph—and California.

St. Joseph was the strategic starting point for the direct 2,000 mile central route to the West. Except for a few forts and settlements, however, the route beyond St. Joseph was a vast, silent wilderness inhabited primarily by Indians.

Russell's freighting firm lost more than $100,000 on the Pony Express—a loss he could ill afford. Undismayed, he kept the Pony Express going.

The project was pushed vigorously. The route followed the well-known Oregon-California trail by way of Kansas, Nebraska, Colorado, Wyoming, Utah, Nevada, and California. Stations were built at intervals of about 15 miles, wherever stage stations did not already exist.

Fleet, wiry, Indian ponies were purchased. Young, courageous, lightweight riders were hired. Although the written rule was to hire no one under the age of 20, the actual ages of these pony men averaged slightly under 19. Many an eager applicant did not hesitate to up his birth date a year or two in order to get the job. Riders were recruited hastily, but before being hired had to swear on a Bible not to cuss, fight, or abuse their animals. They pledged, under all circumstances, to conduct themselves honestly.

The first mail by Pony Express from St. Joseph to Sacramento took 10½ days, cutting the Overland Stage time by more than half. The fastest delivery time was in March 1861, when the inaugural address of President Lincoln was carried in 7 days and 17 hours.

The Pony Express has a secure, permanent place in the catalog of American folklore. Two of its famous sons, "Buffalo Bill" Cody and "Wild Bill" Hickok, has served as pioneer heroes to millions of young Americans. Recently it has been celebrated and popularized in a weekly TV series. It is a symbol of the bravery and can-do optimism of our pioneer youth.

The California Trail was the route of the greatest mass migration in American history. Over a 20-year period, 1841 to 1860, more than 200,000 pioneers made this great trek west. This legendary highway opened up the Western frontier and tied what was known as

the Island of California together with the older and more settled east coast.

The most feared section along the entire California Trail is found in my home State of Nevada, southwest of the town of Lovelock. Here the pioneers had to cross the dreaded Forty-Mile Desert. Lacking both water and grass, this stretch of country was considered not far short of Hades. The adversity that was endured in the Forty-Mile is best captured by the following entry of October 3, 1849, in the Journal of Mrs. Sarah Royce:

> Should we try to go on? But there were miles of desert before us, in which we knew, neither grass or water could be found. With unwearied gaze my eyes swept, again and again, the shimmering horizon. There was no help or hope out there. Then I looked out at what lay nearest. How short lived our few remaining resources would be, unless fresh strength came from somewhere. How still it was. Only the sound of a few feable breaths. It would not take many hours of starvation to quiet them forever.

Independence, MO, was the jumping off point for the emigrants to the West. The city, made famous by President Harry Truman in this century, had an economy geared to outfitting and provisioning the pilgrims. Here a family could purchase all that was needed for the westward trip and a good deal that was not needed.

The busy season along the trail was early spring. The pioneers gathered in vast camps on the outskirts of Independence, waiting for the first signs of green grass on the Great Plains. This grass provided the valuable pasture for their oxen, horses, and mules on whose strength the wagon teams moved. When they signed on for the journey west, each pioneer was sworn to agree to strict rules of conduct and cooperation.

The business of a wagon train was movement. Ideally, people bound for California wanted to make 20 miles a day. Few maintained that pace. Some observed the Christian Sabbath, camping all day Sunday. Delays were caused by severe storms, unseasonably swollen rivers, injury, illness and the call to make repairs on equipment and wagons.

The object was to keep moving. The pioneers adjusted to the demands of the trail. The only other choice was turning back or even death, from being on the wrong stretch of the trail at the wrong time of the year.

By and large, the California emigration was a family affair. The emigrants banded together in companies of 50 to 100 people for protection and mutual assistance. At mealtime, they usually ate alone with their own families. As night approached, they circled their wagons for protection. The next day would bring more exhausting challenges from moving a hundred wagsons and hundreds of cattle, horses, and mules.

Even before the streams of wagons wore deep ruts into the sod, scars that can still be seen today, the route was marked like a highway with broken furniture, empty barrels, skeletons of worn out livestock, broken down wagons and simple grave markers that signaled the end of someone's dream.

The California Trail has a colorful history of heroes, adventurers, and dreamers. These real people went West, made millions, built cities, laid railroads, broke farmland, and carved out great ranches. They dreamed, struggled, failed, or prospered against incredible odds.

There was Brigham Young with his dream to make the Great Salt Lake desert bloom; miners who discovered, prospered and faded along with Nevada's Comstock lode; the tragic Donner Party; and the brave wagon train scouts—John C. Fremont and Kit Carson.

The California Trail represents one of the great dramas in all of human history. This great highway helped settle our Nation. It linked the Atlantic and Pacific coasts in ways never imagined by our Colonial Founders. The bill I am introducing will help all Americans remember the exploration, wealth, hardships, and golden chance to build a new life in a new land. That is the legacy of the California Trail. It is worth preserving.

The completion of the transcontinental railroad in 1869 ushered in the most remarkable age of development in our Nation's history. It should be remembered, however, that the transcontinental railroad followed many of the trails blazed years before by the Pony Express and wagon trains on the California Trail. Many lives were lost on those trails that we speed over today so effortlessly by train and automobile.

The time has come to honor these pioneer heroes and acknowledge the national historical importance of the Pony Express Trail.

Mr. President, this bill reflects the congressional spirit and intent of the National Trails System Act. It promotes the recognition, protection and interpretation of our pioneer history. It would cause a comprehensive management plan to be prepared for each trail. A plan that would define the roles of Federal, State, and local agencies and private citizens. A plan that would define the specific management actions for each trail. Management actions that would include, among others: Consistent marking along each trail to make it easier for visitors to find and retrace our pioneer footsteps—literally bringing history back to life again. It would also include informative brochures, expanded research and visitor facilities to increase our knowledge of pioneer life, and needed protection for at risk sections of the trail. Access to portions of trail on non-Federal lands would be improved through the use of negotiated agreement, without raising Federal costs and dislocating private landowners.

By introducing this legislation today, I intend to repay our debt to the early western pioneers, those gallant pony men and their courageous benefactors, and recognize the significance of this historical episode in our country's western expansion.

I urge my colleagues to support swift passage of this legislation.

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By Mr. SIMON:

S. 802. A bill to amend title VII of the Public Health Service Act to prohibit discrimination against international medical graduates, to provide for the establishment of a National Repository of Physician Records, and for other purposes; to the Committee on Labor and Human Resources.

INTERNATIONAL MEDICAL GRADUATES ANTI-DISCRIMINATION ACT

• Mr. SIMON. Mr. President, I am introducing today, along with my distinguished colleague, Mr. LIEBERMAN, a comprehensive bill to end the discrimination that international medical graduates [IMG's] experience in medical licensure. This legislation will eliminate the differences in medical licensure requirements between internationally trained and domestically trained medical graduates and will enable the Federal Government to oversee the creation and operation of a national repository of medical credentials. It will not lower the standards of medical practice in any State. Nor will it in any way reduce the authority of any State to set and uphold standards for practice in a State.

This legislation is a response to the May 1990 General Accounting Office report entitled "Medical Licensing by Endorsement: Requirements Differ for Graduates of Foreign and U.S. Medical Schools" and to a hearing held by the Senate Labor and Human Resources Committee on July 26, 1990, on licensing requirements of international medical graduates.

The 123,000 of our Nation's 569,000 physicians are international medical graduates. IMG's represent 20 percent of medical school faculties and 25 percent of medical researchers. Eighteen international medical graduates have been awarded the Nobel Prize in medicine. International medical graduates practice in under-served areas, remote rural areas, overcrowded urban hospitals, and the back wards of State mental hospitals. Although we rely on international medical graduates to provide needed care in these areas, we must recognize that we have maintained a double standard in evaluating their competence. We have failed to provide them with equal opportunity to practice medicine in our society.

Despite studies that have demonstrated that IMG's are comparable in

medical knowledge and clinical skills to their domestically trained counterparts, and despite significant contributions to medical care in this country, they are subjected to a two-tiered system of medical licensure that often prevents them from practicing in a particular State. The additional hoops that IMG's must pass through in order to receive their license is nothing less than a vehicle for discrimination.

The hearing held by the Labor and Human Resources Committee clearly demonstrated that incidents of disparate treatment between U.S. and international medical graduates is not a rarity. Overt discrimination ranges from overly burdensome requirements that are routinely placed on IMG's for initial licensure and for licensure by endorsement in another State to outright refusal to accept IMG's into residency programs and jobs regardless of the nature of training and competence. Document retrieval is often nearly impossible for IMG's and extensive delays or minimal notice of opportunity for a hearing by a State board are not uncommon. Covert discrimination is demonstrated through decisions involving employment and promotion opportunities, access to hospital privileges and peer reviews that adversely affect IMG's.

This legislation will prohibit a State, Federal agency, or private facility from subjecting an international medical graduate who has completed a residency training in the United States to any condition or requirement that materially differs from those applied to graduates of U.S. medical schools in the areas of initial licensure and licensure by endorsement. Another important component of the bill is the establishment of a national clearinghouse, or repository, for medical credentials.

The bill would mandate that the Secretary of Health and Human Services provide for the establishment of a national repository for physician credentials. However, the bill allows the Secretary to utilize an existing facility, including any private sector initiatives, to operate this. The Secretary would create an advisory council whose purpose would be to issue recommendations to establish the repository and to monitor the operation of the repository.

Medical licensure is under the jurisdiction for the States. Each State has its own licensure requirements for phsyicians. Because international medical schools are not accredited by the Liaison Committee for Medical Education, State licensing boards place the burden on IMG's to prove the equivalency of his or her education. The GAO report described the difficulty that IMG's have in addressing State licensing boards' inquiries regarding their schools. Often a licensed, practicing physician must provide information to a second State licensing board that has already been provided to one State licensing board. It frequently takes much longer for a practicing IMG to process applications for licensure by endorsement than it does for U.S. medical graduates.

As part of their report, the GAO convened a roundtable discussion of groups representing organized medicine and IMG's. These groups agreed that a clearinghouse for applicants' records would streamline the process for State-to-State licensing and would limit duplicative State efforts as well as avoiding delays for practicing IMG's who seek licensure in a second State. The repository would make it easier for IMG's who seek licensure in a second State. The repository would make it easier for IMG's and, in fact, all the graduates, to verify educational training credentials.

The GAO roundtable participants agreed to address some of the key questions regarding the repository's concept and design such as which organization would be best suited for administering the clearinghouse and what types of information it would maintain. I understand that this process is underway. Both the American Medical Association and the Educational Commission for Foreign Medical Graduates already have large data banks on the backgrounds of IMG's and could house such a repository.

The AMA has already begun a National Physicians Credentials Verification service in Mississippi, Missouri, and Oklahoma. The soon to be national service will collect, verify, and maintain documents and accreditation information for physician subscribers preparing to apply for medical licensure and hospital privileges. Under AMA's system, physicians pay a fee to set up a file and hospitals pay a fee for each information request. Although the clearinghouse should be self-supporting, this bill authorizes appropriations to start the operation of the repository.

While I commend the AMA for their initiative, their program lacks a forum for IMG's to facilitate their concerns. This legislation creates an appropriate and fair forum for IMG's as well as representatives from other appropriate organizations to make recommendations to the Secretary of Health and Human Services regarding the repository.

This measure also authorizes funding for the new U.S. medical licensing exam. This single examination pathway to licensure will be administered to all medical licensure applicants and is one positive step toward ending the two-tiered system of licensure.

Finally, the bill requires the Secretary to obtain data from 10 States on the processing of applications for licensure, postgraduate training and clinical privileges. The bill would also make it unlawful for a residency training program to deny a residency position to a qualified international medical graduate.

Although we cannot eliminate every vestige of discrimination, we can do a lot better than we are doing right now. I urge my colleagues to support this legislation.●

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By Mr. REID:

S. 803. A bill to amend the Family Violence Prevention and Services Act to provide grants to States to fund State domestic violence coalitions, and for other purposes; to the Committee on Labor and Human Resources.

GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS

Mr. REID. Mr. President, I rise to introduce an important piece of legislation, which addresses a tragedy that threatens our society in every way. This legislation is entitled the Domestic Violence Act.

During my presentation today, as brief as it will be, 16 women in our country will be battered by their husbands or companions. Every 18 seconds, a woman in the United States is battered. This adds up to 200 women battered every hour, or almost 5,000 battered every day.

Mr. President, this is a series of episodes that takes no vacations, no time off for Christmas, New Year's, Thanksgiving, Easter, and no Sundays off. These batterings go on every second. So when you hear the stories and look at the statistics, you are going to be forced to conclude that no one is safe from domestic violence. Sadly, well over 90 percent of this violence is directed toward women.

This legislation is born out of hearings I held recently in the State of Nevada. I held hearings in Las Vegas and Reno. We heard 22 witnesses. We heard the experts as to why this legislation is necessary. We heard testimony from people who had been battered. We even heard testimony, Mr. President, from batterers, who are in the process of reforming. We heard testimony from police officers, and from a wide range of people.

But the most shocking thing I heard during these hearings was the fact that one out of every five women that visit an emergency room clinic or hospital are there as a result of being beaten by her husband or her companion. One out of every five persons—20 percent of the women—that go to the emergency room is there as a result of having been beaten by her husband or companion.

The Domestic Violence Act provides Federal funds to State coalitions on domestic violence, the nonprofit agencies which coordinate the activities.

There are other contributions this legislation will make, but it is important that we talk about this, because these coalitions will utilize their funds for further intervention in the prevention of domestic violence, will work with family law judges and other

judges and other aspects of our court system to develop appropriate responses to cases, and conduct public education campaigns to inform and educate Americans about domestic violence.

The overwhelming need for this legislation is clear. Domestic violence is a misery which does not discriminate. It knows no bounds of income class, race, or religion. These women, many, many times, Mr. president, are totally helpless.

The greater Las Vegas metropolitan area, consisting of 850,000 people, has 27 beds for domestic violence cases for women that need to get away from their situation. There are 27 beds. Remember, we are talking about beds for women and children. So if a woman comes in and has three children, it is easy to understand that there are just a few women that can be helped on any one occasion. The same is true in Reno. The problem is that it is the same everywhere in the country. We simply do not have enough domestic crisis shelters to protect these battered women.

According to the Center for Women policy studies, violence against women will occur in two-thirds of all marriages. Twenty-five percent of all women will be severely beaten at some time during their marriage.

If men were the victims of this violence something would have been done a long time ago. My legislation adds to the ongoing courageous efforts of my colleague from Delaware, the chairman of the Judiciary Committee, Senator JOSEPH BIDEN, who introduced S. 15, which I gladly cosponsor. This is entitled a Violence Against Women act. Like this legislation my bill will help women who are victims of crime. Violence against women will not be tolerated in American society. Today we begin a move toward eliminating it.

I urge my colleagues to support this legislation, and I look forward to decisive action on this bill.

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By Mr. AKAKA:

S. 804. A bill to establish the Spark M. Matsunaga Renewable Energy and Ocean Technology Center and make funds available to the facility for renewable energy and ocean resources research, development, and transfer; to the Committee on Energy and Natural Resources.

SPARK M. MATSUNAGA RENEWABLE ENERGY AND OCEAN TECHNOLOGY CENTER

• Mr. AKAKA. Mr. President, next week Monday, April 15, will be the first anniversary of the death of the late Senator Spark Matsunaga. Spark was a dear friend of mine, and certainly one of the most well-liked and well-respected Senators ever to walk the halls of Congress. No doubt many of you can recall a favorite story or two when you think of Sparky.

I stand before you today to mark the anniversary of Sparky's passing and to remember his many passions—and they were many: creation of the U.S. Institute of Peace; international cooperation in space exploration and a proposed joint United States-Soviet manned mission to Mars; redress for the thousands of Japanese-Americans interned during World War II; alternative energy research; and the list goes on.

Mr. President, one of Sparky's greatest dreams was the pursuit of renewable energy. To pay his memory the highest honor, I am introducing legislation today to establish the Spark M. Matsunaga Renewable Energy and Ocean Technology Center. Spark gave so much to our country and Hawaii. My bill is a show of gratitude for his many years of service.

Senator Matsunaga was a longstanding champion and a leading advocate for research and development in the field of renewable energy. I speak of solar and wind power, ocean thermal, biomass, hydrogen, and other sources of clean and abundant energy. Sparky spent 28 years in the House and Senate tirelessly pursuing his vision of a more energy-secure America. He convinced many others that renewable energy could provide a sustained source of nonpolluting energy—kind to the environment, a boost to the economy, and a godsend to an energy-starved world.

It was no accident, Mr. President, that Sparky made renewable energy research one of his highest priorities. He realized that our home State of Hawaii, more so than any other State in the Union, was dangerously dependent on imported fossil fuels. The greatest irony, I should point out, is that Hawaii has an incredible diversity and abundance of clean sources of power: wind, solar, ocean thermal, and biomass, for starters. We simply lack the tools to tap their full potential.

The Matsunaga Renewable Energy Center, to be located at Keahole Point, HI, would serve as a national laboratory for energy research and ocean technology development. The Center would be administered through the Department of Energy to conduct research and development in solar, hydrogen, and other forms of renewable energy as well as energy storage systems. The Center would also be the site for energy-related research in such fields as marine science, aquaculture, and ocean and global climate change.

I envision the Matsunaga Center as a mecca for our Nation's leading energy researchers and scientists. This lab would coordinate the numerous disparate projects at our universities, government agencies, and the private sector. And the center could save precious years which are lost in advancing ideas from the drawing board to the marketplace. As Energy Secretary Watkins has noted, national laboratories have traditionally been home to some of the world's brightest and most innovative scientists and engineers.

Mr. President, the recent Persian Gulf war underscores what Sparky had long been saying—that we cannot simply "stay the course." This time we were extremely lucky. But next time, Mr. President—who can predict what lies ahead?

Spark Matsunaga had the foresight to recognize the potential of renewable energy. We can turn his vision into reality by establishing the Spark Matsunaga Renewable Energy Center. There is no higher honor we can pay to our late colleague than to say, "Sparky, you were right. Let me follow in your footsteps and pick up where you left off."•

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By Mr. HELMS:

S. 805. A bill to provide for regulations to require certain consumers of newsprint to use, in their commercial operations, a certain percentage of recycled newsprint; to the Committee on Environment and Public Works.

NEWSPRINT RECYCLING ACT

Mr. HELMS. Mr. President, today I introduce legislation to promote the recycling of newsprint by requiring the major newspaper publishing companies of the United States to use 40 percent recycled newsprint by the year 2000. This will save untold millions of trees and countless thousands of cubic yards of scarce landfill space.

This legislation will not apply to publishing companies using less than 1,000 tons of newsprint annually.

Mr. President, recycling is one of the simplest ways to preserve the environment. It is just common sense. Increasing recycling makes sense for several reasons:

First, landfills are rapidly reaching their capacity. A recent report estimates that 50 percent of all landfills will close within 5 years. Every year, about 9 million tons of newspaper is dumped into landfills. If the major newspapers of the United States used 40 percent recycled paper, several million cubic feet of landfill space would be saved. Obviously, existing landfills would not fill up so fast.

Second, by using more recycled paper, millions of trees will be saved. Experts tell me that about 17 trees are cut down to produce each ton of virgin newsprint. So, if the New York Times, the Washington Post, and the Nation's other big newspaper publishing companies used more recycled paper, it would spare millions of trees.

Mr. President, in 1988, newspapers in the United States consumed about 14 million tons of paper. But only 13 percent was recycled paper. Some newspapers do even less.

In my home State of North Carolina, for example, the Raleigh News and Observer uses only 3 percent recycled paper; the Greensboro News and Record uses only 10 to 12 percent; and the

Asheville Citizen uses no recycled paper at all.

The Washington Post uses only 5 percent recycled paper. The New York Times and the Boston Globe use only 8 percent each.

One would think that newspapers would be in the forefront in trying to help the environment. These big newspapers constantly publish editorials urging that our forests be protected. It's a matter of "do as I say, not as I do" insofar as these multimillion dollar publishing companies are concerned.

If the Raleigh News and Observer, the Greensboro News and Record, and the Asheville Citizen used 40 percent recycled paper, 340,000 trees a year would be saved, not to mention the landfill space. Nationwide, if newspapers had used 40 percent recycled paper in 1988, 50 million trees would have been saved.

Perhaps it is time for newspapers to practice what they preach!

Mr. President, one of the problems that recycling programs have encountered is a lack of demand for recycled paper. The market price for old newspapers has dropped as the supply has increased. Some communities with newspaper recycling programs have found it difficult to get rid of the tons of discarded newspapers.

A North Carolina county official put it this way: "It costs us 10 times more to haul those newspapers away than the revenue we get from selling them." The same is true all across the Nation.

Requiring newspapers to use 40 percent recycled paper will increase the demand for recycled paper. This in turn will restore the incentive for communities across the Nation to recycle discarded newspapers.

Mr. President, some may wonder if the paper mills will be able to produce enough recycled paper by year 2000. Well, a report by the National Solid Waste Management Association estimates that newsprint mills will add the necessary de-inking capacity. The industry plans to add 4.6 million tons of additional capacity by 1992.

The report concludes that "recycled fiber content for newsprint manufactured in North America is expected to reach 25 percent by 1995 and 40 percent by year 2000." So the capacity to produce recycled paper will be available.

Mr. President, my legislation does not require that each of the enormous rolls of paper purchased by the newspaper must contain 40 percent recycled fiber. The legislation merely requires that there be an average of 40 percent recycled fiber in all the paper purchases in a given year.

Furthermore, the legislation provides credits for newspapers using more recycled paper than the amount required by this legislation, giving newspapers an incentive to use more recycled paper. It also allows newspaper publishers to sell the credits to newspapers that may have difficulty in meeting the 40-percent recycling requirement.

In any event, Mr. President, the bottom line is that this legislation is good for the environment—it will save trees and scarce landfill space.

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By Mr. ADAMS:

S. 806. A bill to provide for the transfer of property for the Warren G. Magnuson Park in the city of Seattle, WA, and for other purposes; to the Committee on Armed Services.

WARREN G. MAGNUSON MEMORIAL PARK

Mr. ADAMS. Mr. President, Senator Warren G. Magnuson was a mentor as well as a good friend. To the people of Washington State, he left a rich legacy measured in terms of Federal projects, personal friendships, loyalties, and memories. Today, we have an opportunity to salute that legacy and further enrich the lives of Washington residents.

Along with my colleague Representative JOHN MILLER, I am introducing legislation to transfer surplus Federal property from the Puget Sound Naval Base to the adjacent Warren G. Magnuson Park. This park, which overlooks Lake Washington and provides a beautiful view of the mountains to the east, is frequented by thousands of Washington State recreationists every year. The land transfer I propose would greatly enhance recreational opportunities in the park, which already include swimming, boating, and tennis. Furthermore, this transfer shares the enthusiastic support of the city, local community groups, and the State's entire congressional delegation.

Senator Magnuson's tremendous vision and foresight first brought this park into being in the 1970's. As the late Senator's wife, Jermaine Magnuson, recently wrote, an expanded park "would be a warm and lasting tribute to the work of my late husband." I ask my fellow Senators to join me in giving the people of Washington State a living memorial to my friend and colleague, Warren G. Magnuson.

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By Mr. HATCH (for himself and Mr. GARN):

S. 807. A bill to permit Mount Olivet Cemetery Association of Salt Lake City, UT, to lease a certain tract of land for a period of not more than 70 years; to the Committee on Energy and Natural Resources.

MT. OLIVET CEMETERY LEASES

Mr. HATCH. Mr. President, the legislation I am introducing today along with my Utah colleague, Senator GARN, would allow the Mt. Olivet Cemetery Association of Salt Lake City, UT, to lease a tract of land for a period of not more than 70 years. When the Mt. Olivet Cemetery Assocication obtained land from the Federal Government in 1909, it was with the understanding that the land would be used only for the burial of the dead—any other use and the land would revert to the United States.

The Mt. Olivet Cemetery has provided a valuable service to the Salt Lake community since 1909 and it will continue to do so. However, it is estimated that approximately 35 acres of cemetery property will not be needed for at least 70 years. That land is now a weeded, unattractive and insect-infested vacant lot. This legislation would allow the Cemetery Association to ensure that the property is utilized in a worthwhile manner until it is needed by the cemetery.

At this time, the Cemetery Association plans to lease the land for the development of a golf teaching and practice facility which will serve the community in a number of ways. It will provide recreational opportunities for citizens of Salt Lake City while eliminating a unsightly vacant lot. The improvements that are designed to serve the golf facility in terms of irrigation systems and landscaping will, in the future, reduce the development cost to Mount Olivet and hopefully reduce the cost of interment for the citizens of this community. I believe it will turn what is now totally unproductive land into an attractive recreational amenity.

This proposal has been endorsed by Salt Lake City, Salt Lake County, the Cemetery Association, the city planning and zoning board, the Utah Golf Association, the Salt Lake City Director of Parks, and the Utah National Guard, which shares a boundary with the existing vacant lot. Public hearings have been held and no one has expressed opposition to the proposal.

I believe this legislation is noncontroversial and worthwhile. Passage would enable development that would be a real asset to Salt Lake City. However, it is contingent upon receiving approval of this body and I look forward to moving it through the legislative process.

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By Mr. MURKOWSKI:

S. 808. A bill to provide for the payment of claims by United States nationals against Vietnam and to terminate certain economic sanctions against Vietnam, and for other purposes; to the Committee on Foreign Relations.

TERMINATION OF CERTAIN ECONOMIC SANCTIONS AGAINST VIETNAM

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation which calls for the lifting of the United States trade embargo against Vietnam. Our policy toward Vietnam has been frozen in time since 1975, and no longer realistically reflects our ideals in the region or our goals as a superpower.

My legislation does not call for the restoration of diplomatic relations or the full normalization of relations. Now is not the time for those moves.

But my legislation would end the period of economic isolation we impose upon the people of Vietnam, and quite frankly, which we impose upon ourselves.

CONDITIONS FOR LIFTING EMBARGO

Before the trade embargo is lifted, two conditions must be met. First, the Government of Vietnam must agree to provide access to an internationally recognized humanitarian organization for the purpose of investigating unresolved POW/MIA cases. I have worked closely with several veterans' organizations on this aspect of the legislation. It is my belief that increased access can only serve to help this situation; both through an organized program and through simple presence of U.S. business and personnel.

This does not in any way change the obligation of the U.S. Government involvement in the investigation of these cases. Today I spoke with Ann Mills Griffith, of the League of Families, and assured her of this.

Second, my legislation addresses the issue of U.S. nationals' claims against the Government of Vietnam—192 such nationals had their claims adjudicated by the United States Foreign Claims Settlement Commission in 1986. These people have been waiting for 16 years to recover the assets which our Government has fully recognized are rightfully theirs.

WHY LIFT THE EMBARGO

Mr. President, one of the clearest lessons we learned from the war in the Persian Gulf was that economic sanctions can only work under the best of conditions. One nation cannot impose an embargo alone and expect it to have any influence. But this is precisely what the United States is doing in Vietnam.

The economic sanctions which the United States placed on Vietnam 16 years ago are being upheld by the United States alone. The Europeans are leading in terms of value of foreign investment and trade with Vietnam. France, Germany, Britain, and the Netherlands all have millions of dollars of investments in Vietnam, and the pace of investment is accelerating every month.

The Japanese, although they pay lipservice to our embargo, have given permission to their banks to set up branch offices in Vietnam, and several Japanese trading houses have already established offices in-country. In total, Vietnam had over $1.4 billion in foreign investment in 1990 alone. The figures for 1991 will greatly exceed that sum.

Mr. President, Southeast Asia is widely recognized as the region of the world with the most potential for economic growth in this century. U.S. success in the region is dependent on our ability to compete with our neighbors in developing new markets. The longer the United States keeps itself out of the markets of Southeast Asia, the more difficult it will be to gain a foothold down the line. The biggest and best contracts—in large-scale industries where the United States is very competitive, such as construction, telecommunications, and oil development—will all be given to our competitors.

Americans are extremely worried about our trade deficit; $101 billion in 1990. While Vietnam is still a small market, it is a buying market. This underdeveloped country—one of the poorest in the world—is in need of everything. Not only is American business losing out on the initial contracts, but we are losing out on the future. Our competitors are already establishing client relationships with the Vietnamese, and they will get the next round of contracts as well, as the market becomes more developed.

PROMOTING DEMOCRACY IN AUTHORITARIAN REGIMES

Mr. President, lifting the trade embargo furthers our foreign policy goals as well as our economic interests. Current United States policy toward Vietnam does not realistically reflect our ideals as a world power. Americans shed blood in Vietnam to protect the individual's right to a representative government, basic human rights, and a free market economy. We went to contain communism.

But America did not perform well in that war and has been suffering from the defeat ever since. Our recent outstanding successes in the Persian Gulf have caused many people to claim the Vietnam war is finally behind us; that we have rid ourselves of the guilt of the Vietnam syndrome.

Mr. President, I believe Americans need to reclaim the ideals which we are willing to go to war for and apply them to our policy in Southeast Asia. We need only look at the recent examples of Eastern Europe and the People's Republic of China to learn that we have a stake in improving the lot of peoples who suffer from authoritarian rule.

In 1989, the Berlin Wall came down and Eastern Europe stood up. The cries for democracy still echo in our ears. There can be no question that a growing and relentless Western presence in the region was the influence that caused these new democracies to emerge.

In China, throughout the 1980's the open door policy brought Western ideas of democracy and enterprise to nearly every village in the country. It was the quest for freedom to speak, freedom to work, freedom to criticize that brought the students, workers, and peasants into Tiananmen Square. The tragedy that occurred in June 1989 was not failure of democracy, it was a failure of communism. There was then, and remains today, a split in the leadership in China.

Many want to reform and continue to open to Western influence. Unfortunately there are also those who fear that a continued opening to the West will bring about the same fate as the dictators of Eastern Europe suffered. These hardliners would rather keep China isolated, poor, and firmly under their control.

Well, Mr. President, the situation is not so different in Vietnam today. The bankruptcy of the Soviet Union has caused them to cut off their aid and concessional trade relations with Vietnam. The failure of the traditional client-state relationship has forced many in the Vietnamese leadership to look to the benefits that can be found in ties to the West. This is particularly obvious in Vietnam's new economic reforms and foreign investment laws.

However, it is not at all clear these reform-minded leaders have the upper hand or can even remain in power. A party conference, currently scheduled for June, could see the firming up of the hardliners position, and greater isolation for Vietnam. Vietnam has made serious overtures to the United States in the past year or so, aimed at bettering relations with America.

They have withdrawn the bulk of their troops from Cambodia, they have progressed on the question of unresolved POW/MIA cases, they have even offered to reserve lucrative oil tracts for American companies. But rather than responding positively to these overtures, the United States appears to be moving back the goalposts and making further demands.

It is my fear that the more hardline element of the Vietnamese Government will point out the unresponsiveness of the United States and urge a closed door policy. We need to have the same willingness to increase and maintain ties with Vietnam, as we find necessary in our policy toward China.

Mr. President, America owes the people of Vietnam the chance to better their lives, and exposure to the freedoms that America stands for. We may not have been able to contain communism in the 1970's, but we know from the history of the past few years that we can influence it, and we can help achieve it's demise.

NOT THE TIME FOR FULL NORMALIZATION

Mr. President, the legislation I am introducing today does not advocate full normalization of relations. I am in full agreement with the administration that further progress has to be made on the POW/MIA issue, and the peace process in Cambodia before it will be time for those moves.

Opening trade relations with Vietnam will not deprive the United States of leverage to work further on these issues. The Vietnamese want diplomatic relations with the United States. The Vietnamese desperately need funding from the multilateral banks, but cannot get it without support by the United States. Vietnam would like to have a bilateral trade agreement with the

United States and most-favored-nation status. All of these moves can be made over time in accordance with progress on outstanding bilateral issues.

For the present, however, the economic embargo against Vietnam is not stopping that country from attaining foreign investment. The embargo is only serving to harm U.S. economic interests in the region, and denying U.S. firms the opportunity to compete in industries in which we excel. We must do ourselves, and the people of Vietnam, who suffer from abject poverty and an oppressive regime, the favor of moving forward with this trade relationship.

In summary, Mr. President, the difference between this legislation, my position, and that of the administration is the administration continues to utilize the theory we must use Vietnam as leverage for settlement in Cambodia. I maintain that that policy has not worked in the past. It has been 15 months since we last communicated that policy and we have seen virtually no results.

The proposal we have in this legislation is access into the country to resolve the MIA/POW issue by bringing in the Red Cross. Mr. President, I think there is a reasonable chance this approach will allow a United States presence in Vietnam and, as result of that approach, we will be able to better resolve the Cambodian situation.

Mr. President, I ask unanimous consent that certain material relative to this legislation be printed in the RECORD.

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

[From the Multinational Business Development Coalition, March 1991]

TIME TO LIFT THE VIETNAM TRADE EMBARGO

SUMMARY

With the Gulf War behind us, it is time for the United States to act on some Unfinished business on our foreign policy agenda by removing the decade and one-half long ban on doing business with Vietnam. Despite Secretary of State Baker's meetings with Vietnamese Foreign Minister Thach and the support of several key Republican Senators for normalizing relations with Vietnam, the Bush administration has not removed the 16-year-old U.S. embargo on trade with Vietnam. The United States has historically made peace with old enemies and has often turned a blind eye toward objectionable behavior by nations with whom we seek trade ties. But the U.S. government seems unable to bury the hatchet with Vietnam. As a consequence, the U.S. is losing substantial trade opportunities and harming prospects for diplomatic progress.

While U.S. government officials are now willing to talk to Vietnamese authorities about POW/MIA issues, as well as achieving a comprehensive Cambodian settlement, direct talks about ending the dated U.S. trade embargo have been ruled out until a comprehensive peace settlement is reached in Paris and implemented in Cambodia.

The refusal to develop commercial and political ties with Vietnam is surprising at a time that President Bush has spelled out a vision of a new world order in which economic competition among nations replaces military contests. U.S. stubbornness is keeping American companies out of the keen foreign competition for the Vietnamese markets. The policy is particularly unfortunate in light of Vietnam's efforts to introduce market mechanisms into its economy and to open the door to foreign investment. The reform effort was buttressed this January by final enactment of a law protecting private businesses in Vietnam.

As American business leaders, the members of the Multinational Business Development Coalition are concerned that the U.S. may once again be forfeiting valuable diplomatic and economic opportunities in Asia. We therefore urge U.S. policymakers to give serious consideration to the value to the U.S. of removing the embargo now and moving toward normal relations with the people and government of Vietnam.

We see several reasons for rescinding our sixteen-year-old objections to conducting commerce with Vietnam. As businessmen, we see the U.S. once again losing promising markets to Japan, Germany and others. The best oil tracts off the shore of Vietnam have already been bid—a disturbing development at a time when the Persian Gulf has reminded us of the need to diversify our oil supplies. It is also noteworthy that Thailand and Vietnam have begun talks about joint oil and gas production from 3,600 square miles of disputed territory in the Gulf of Thailand: the U.S. embargo could prevent American firms from helping the exploration and refining efforts.

Important banking opportunities are also being lost every month. Similarly, hotels, construction and consumer goods markets are being snapped up by foreign competition because American companies are prohibited by law from bidding.

As Americans, we see a diplomatic opportunity being forfeited. Events in Eastern Europe have demonstrated that the best way to undermine Communist influence is to have an aggressive capitalist business presence. Lifting the embargo on trade with Vietnam will encourage the modest reforms already underway in Hanoi and will help to undermine the centralized Marxist-dominated economy. Maintaining the embargo could weaken reformist elements, led by Foreign Minister Thach, who so far has little to show for his efforts.

As long-time observers of Asian politics, we believe that the current punitive U.S. policy toward Vietnam is unrealistic. In the first place, economic sanctions have a mixed history at best—and clearly do not work unless all nations support them. Most of the world is ignoring the U.S. embargo. Moreover, the U.S. insistence that Vietnam deliver a solution in Cambodia before we normalize relations with Hanoi requires Vietnam to deliver diplomatic results from their sworn enemies—the Khmer Rouge and the People's Republic of China—and effectively grants Beijing and the Khmer Rouge a veto power over U.S. policy. We should promptly move forward on U.S.-Vietnam relations because it is in America's self interest. We should not hold our economic well-being hostage to developments elsewhere in the region.

For these and other reasons, we urge Washington policymakers to move forward promptly to remove the trade embargo against Vietnam and to allow American businesses the opportunity to work in that country.

BACKGROUND

The United States has maintained an embargo against trade with Vietnam for more than a decade and a half. The two principal reasons for establishing this embargo and maintaining it over this long period have been:

1. To press Hanoi for greater cooperation on POW-MIA issues.

2. To press Vietnam to withdraw its troops from Cambodia, where they had intervened against the genocidal Khmer Rouge regime.

Vietnam has now, by all accounts, met these two U.S. conditions. While cooperation on uncovering and delivering remains of Americans still leaves much to be desired, repeated visits by senior American officials with Vietnamese authorities have demonstrated substantial progress in this area. In a letter to President Bush last October, several senior Senators including Republican stalwarts Richard Lugar of Indiana and Frank Murkowski of Alaska argued that "more access to Vietnam. . . will help accelerate closure of the remaining unresolved POW-MIA cases."

Furthermore, Vietnam has, by all accounts, withdrawn its ground troops from Cambodia. Despite occasional claims to the contrary, there is no evidence of a substantial Vietnamese military presence in Cambodia. (Indeed, the absence of Vietnamese troops has provided an opening that the Khmer Rouge forces have effectively exploited in the field.)

While the Bush Administration responded to the improved environment by agreeing to direct talks with Vietnam for the first time since 1975, the agenda has thus far been limited to the achievement of a comprehensive Cambodian peace settlement. This is regrettable. While the situation in Cambodia remains in a state of flux, there are a number of reasons for proceeding now on U.S.-Vietnam relations. The Cambodian conflict is a generation old and any one of several parties can block peace. The value of restoring U.S. ties with Vietnam must not be tied to this other complex and highly volatile issue.

The changes in East-West relations that are occurring across the globe have brought a new dynamic to Southeast Asia. It is clear that Thailand and Vietnam will have a crucial role to play in regional economic developments and diplomacy. We do not believe the U.S. is doing all it can to influence this course of events, especially as diplomatic relations do not even exist with one of the key nations in the region, Vietnam.

In the business world there is significant and substantial interest in Vietnam. Recent polling data suggest that a number of American businesses are interested in becoming involved in this promising market. However, the stubborn retention of the U.S. embargo since 1975 has prohibited any meaningful initiatives by U.S. companies. U.S. businessmen are forced to stand by and watch foreign competitors make crucial financial inroads. It is particularly distressing to see the U.S. losing opportunities in oil and banking given the current international and domestic developments in these industries.

At the same time that U.S. business interests are locked out, important humanitarian considerations remain unresolved. The refugee problem will not be rsolved until conditions in Vietnam improve: trade and aid remain critical in this respect. It is unfair to U.S. citizens of Vietnamese descent to continue the embargo past the time necessary to achieve its strategic objectives; this embargo makes it infinitely more difficult for Vietnamese-Americans to remain in contact

with and provide support for their families still in Vietnam.

BUSINESS INTERESTS

For economic as well as diplomatic reasons, the time to dismantle the trade embargo has arrived. Sanctions are a drastic measure to be used only when the party being punished is not open to other more subtle forms of influence. Yet Vietnam has withdrawn its troops from its neighboring state and has cooperated with several of the efforts undertaken to resolve the generation-long Cambodian conflict. Vietnam has taken marked steps toward liberalization, a process that has been duly noted by both the International Monetary Fund and the World Bank. Hanoi has adopted a very forward thinking foreign investment law that provides a legal framework for foreign participation in Vietnam's reconstruction. This legislation is among the most the most liberal and far reaching investment laws to come out of any centrally planned economy. It provides both for joint ventures and for one hundred percent foreign ownership of local property. A subsequent law sanctions private enterprise and obligates the state to protect it. In an astonishing turnabout for a socialist state, the law on private property says that "the right to ownership of the means of production . . . as well as other legitimate rights of the owner of a private business establishment are protected by the state."

The U.S.-backed sanctions against Vietnam are also being undermined because of U.S. allies' unwillingness to honor them. Before Vietnam withdrew from Cambodia, American allies grudgingly supported the embargo. But with Vietnam's withdrawal, most countries believe that Vietnam has satisfied the fundamental requirement for new trade relations. Today the hotels and business centers in Vietnam are full of foreign business representatives who are ready and willing to do business. U.S.-based companies, however, remain totally barred from this market. As a consequence, the most promising off-shore leases have already been bid by foreign companies. The best deals on hotels, the most promising opportunities for banks, real estate, and retail outlets are being forfeited to America's competitors.

Once again we risk losing a foothold in a foreign market to Japanese and European competition. Through 1990, Vietnam had already approved 207 foreign investment projects, with the total registered capital of nearly $1.5 billion. The most significant of these are off-shore oil drilling and exploration, which include investment projects, by Shell, British Petroleum, Enterprise Oil and Total of France signing agreements and commencing work. Sixty Hong Kong firms, eighteen French firms, six British firms, twelve Australian firms, nine Thai firms, and seventeen firms from Taiwan have completed investment agreements in Vietnam.

To assess the pent-up demand for expanding into the Vietnam market, Citibank recently commissioned a survey of 162 companies involved in commerce in Asia, of which 87 were U.S. based. The remainder were mostly European and Japanese. Seventy-five percent of the companies surveyed expressed an interest in doing business with Vietnam. Forty of the companies that expressed no immediate interest indicated a long-term interest, raising the total showing to *85 percent* of those sampled eager to get into the Vietnam market. Fifty-seven of the eighty-seven U.S. companies surveyed—or more than two-thirds—indicated an interest in doing business in the future. Among U.S. respondents, the main obstacle for doing business with Vietnam was, of course, the trade embargo.

Many veteran Asia watchers believe that over the next ten years Vietnam has an even greater market potential than the People's Republic of China. With Vietnam there is promise of building a sound foundation for future business relationships *if* U.S. firms can get in on the ground floor. Clearly, the primary reason that American companies want to do business in Vietnam is the potential for long-term profits. However, these firms also recognize that the systematic introduction of capitalist enterprises will help achieve other U.S. goals, including the encouragement of current liberalization trends in Vietnam and the undermining of the central planning mechanism in Vietnam's turbulent market.

GEOSTRATEGIC CONSIDERATIONS

The past two years have seen an extraordinary transformation of the face of international diplomacy. The fall of the Berlin Wall and the opening up of Eastern Europe have demonstrated that persistence in pressing American ideals of free market economics and democratic pluralism is wonderfully subversive of Marxist centrally planned economies.

We should take this lesson and apply it with vigor to Vietnam, where American interests have long been frustrated. The best way to improve people-to-people relations with Vietnam and advance America's long-term interest in openness and the free-flow of goods is simply to do business with Vietnam. While Americans are fascinated by the collapse of communism in Central Europe and elsewhere, Vietnam has been forgotten. With a modest amount of courage and foresight, Americans can get in on the ground floor in the Vietnam market. A dose of Western capitalism could hasten the erosion of communist control and guard against the danger that we will lose yet another market to foreign economic competitors.

The challenge ahead for U.S. policymakers is to develop a more sophisticated approach to regional problems. As a nation of 66 million people, Vietnam occupies a strategically critical position in Asia. It is a land rich in natural and human resources. Vietnam, along with Thailand, will be a dominant player in the Southeast Asian region. Vietnam's influence will expand even further if it achieves political and economic accommodation with the ASEAN countries.

Given these considerations, it is clearly in the interest of the United States to promote peace and stability in the region by encouraging Vietnam to move toward a free market economic system and a pluralist democracy. Helping Hanoi broaden its economic relations with neighboring countries and the West will give it a stake in regional stability. At the same time, the United States should recognize that these interests are not necessarily shared by other parties in the region, specifically China, which has preferred either to dominate Vietnam or to promote division in its southwestern neighbor to prevent a stable and vigorous adversary from developing on its southern flank. Nothing in China's recent approach to the Indochina situation would contradict this view. Barring concerted international efforts to the contrary, it remains within China's power to promote division in the region. It is therefore incumbent for the United States to prevent China from retaining a veto power—as it has, in effect, in recent months in Cambodian negotiations—over U.S. restoration of relations with Vietnam. The fact is that Vietnam and the United States share a key common goal in Cambodia: preventing the Khmer Rouge from ever returning to power.

At one time, there was merit to the argument that the trade embargo provided the U.S. useful leverage with Hanoi. We used this embargo to press for Vietnamese withdrawal from Cambodia, to press for Vietnamese assistance on POW/MIA issues, and to press for Vietnamese cooperation for settlement on Cambodia. However, it is clear that we are at a point of diminishing returns in using this club. While events in Phnom Penh remain in constant flux, it is not in Hanoi's power to singlehandedly deliver a comprehensive settlement in the decades-old Cambodian conflict.

The present U.S. posture in the region therefore retains, in its anti-Vietnam bias, little chance for future success. We are punishing ourselves if we retain the trade embargo after Vietnam has met the conditions we set for lifting it. By refusing to normalize political and economic relations with Vietnam, the United States is missing an opportunity to influence Vietnam's development in a positive way. We should instead be bullish on the American model, pushing its attractiveness with the people of Vietnam as we undertake commercial relations with them. The U.S. presence in China had a marked effect on the young people of that country both before and after the Tiananmen Square tragedy. There can be no substitute for a vigorous American presence.

Another consideration for U.S. policy should be that a failure to act now may result in much more than a lost opportunity. The debate that continues in Hanoi regarding its future economic course will not be advanced by American refusal to act. There has been progress in opening Up Vietnam's economy. Yet if the United States continues to punish Vietnam by barring trade, moderates are certain to suffer in the political infighting in Vietnam. We should use the waning of Soviet influence in Vietnam as an opening, not as a justification for maintaining our self-imposed isolation from that market. The dislocation inevitable as a socialist economy undertakes early stages of economic reform will only be exacerbated by retention of the trade embargo. Access to normal trade and capital flows can be crucial in bridging this inevitable gap. As a recent Asian Development Bank report on Vietnam stated it, "Capital inflows from foreign sources will be required to ensure the sustainability of the economic liberalization program. Without external financial assistance, the adjustment costs will be much higher and could lead to pressures to abandon the reform program."

This the present U.S. policy is likely to undermine economic reform in Vietnam. For some years, U.S. policy towards Vietnam has also been influenced by the ASEAN countries which have pressed Vietnam on the Cambodia issue. Laudable as this goal is, it is also important to note that key ASEAN countries in the region—including Thailand, Indonesia, Singapore and the Philippines—have substantial and growing economic business interests in Vietnam. Thailand has unabashedly taken a lead in trying to transform Indochina from a "war zone into a trade zone." Indonesia has always maintained good trade relations with Vietnam and has a number of firms actively investing in Vietnam—including Vietnam's first joint venture bank. Singapore acts as a major entrepot for goods destined for Vietnam from Korea, Taiwan and other countries. In addition, Vietnam maintains a commercial presence in Singapore. The Philippines and Malaysia are major entry points for travelers to

and from Vietnam with weekly flights between the two countries. Thus, it seems that ASEAN with more to gain from peace has arranged to pay a lower price for that peace in terms of lost business opportunities.

HUMANITARIAN CONCERNS

The harrowing exodus of Vietnamese refugees has riveted the attention of the international community for the past 15 years. The problem of illegal Mexican immigration into the U.S., while less dramatic, is similar in its fundamental cause: the lack of economic opportunity at home. The ultimate solution to the refugee problem is for Vietnam to continue what it has started: reform its economy. This will be impossible, however, unless it can participate fully in international trade and be the recipient of loans from commercial and multilateral lending agencies. Thus, by maintaining the trade embargo, the U.S. is part of the problem, not the solution.

In addition, concern should be noted for the more than 850,000 Vietnamese refugees who have made their way to the U.S. Virtually all of them have relatives remaining in Vietnam with whom they want to communicate. In most cases, the U.S. families can provide critical financial support to relatives who are living at, or just above, the subsistence level. Due to the U.S. trade embargo, communicating with family in Vietnam and providing support is a highly restricted and cumbersome process. There are no direct communications links between the U.S. and Vietnam. As a result of the embargo, U.S. citizens of Vietnamese descent are essentially cut off from their families in their homeland. Thus, humanitarian considerations are but another reason for ending the U.S. embargo on trade with Vietnam.

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[From the Christian Science Monitor, Jan. 28, 1991]

JAPAN FIRMS EYE VIETNAM—BUSINESSES CONSIDER EXPANDING INVESTMENTS DESPITE UNITED STATES TRADE EMBARGO

(By Clayton Jones)

Soured of investing in China, stiff-armed by North Korea, and wary of business in Laos or Cambodia, Japanese companies are eagerly eyeing another of Asia's communist states; Vietnam.

Japanese companies have so far made limited investments in Vietnam, less than some European nations. The government here treads carefully in dealing with the old adversary of the United States by generally supporting a U.S.-led economic blockade of Vietnam.

The U.S. has done little to restrain its allies from trading with Vietnam, but strongly discourages sizable investments. A U.S. Senate resolution helped to stop plans by Honda Motors Co. in 1987 to open a motorcycle plant in Ho Chi Minh City.

But diplomatic efforts and lobbying by some U.S. companies are slowly lifting Hanoi out of isolation, leading some Japanese leaders to wonder if it is time for Tokyo to buck the blockade.

PRECEDENT SET IN CHINA

There is a precedent. Last July, Japan broke with its Western partners and normalized economic ties with China by resuming a credit program, eroding the international sanctions imposed after the 1989 Beijing massacre.

"The go-sign for Japanese corporations to invest in Vietnam will be the time when the Japanese government decides to give economic assistance," says Teizo Taya, international expert at the Daiwa Institute of Research. "That time is coming quickly."

The U.S., which gave a wink of approval to Japan's renewed embrace of China, may look less kindly on a similar Japanese move toward the hard-line Communist regime in Hanoi.

The issue of ties with Vietnam touches deep emotions in the U.S. Washington helped organize the sanctions against Vietnam after its troops invaded Cambodia in 1978 and installed a loyal Marxist regime there, and it is withholding diplomatic recognition of Hanoi until it accounts for the remains of some 1,700 U.S. soldiers believed to be missing from the Vietnam war.

But the U.S. also has encouraged Japan to assert diplomatic leadership more in Asia, and Japan has looked for opportunities to do so. Japan especially wants to use its economic power as a force to stabilize its communist neighbors.

U.S. SENDS MIXED SIGNALS

"Normalizing relations with Vietnam before the U.S. does will be the test case for Japan on whether it can be an independent player in Asia," says Osamu Nariai, researcher at the International Institute for Global Peace.

Vietnam itself, after losing much of its economic support from Moscow and former allies in East Europe, has tried to break the embargo, with only limited success. It rejects Soviet and U.S. calls for a United Nations role in managing war-torn Cambodia until elections are held.

Hanoi's chief hope is to stop the U.S. and Japan from blocking attempts by the International Monetary Fund (IMF) to provide a financial aid package to debt-ridden Hanoi. An IMF stamp of approval would help bring Western investment.

Japanese headers point to the U.S. decision last July to open direct talks with Vietnam, and to the October visit of Vietnam Foreign Minister Hguyen Co Thach to Washington, as encouraging signs that Japan, can likewise move closer to Vietnam, and in its own way.

Mr. Thach also stopped in Tokyo after his U.S. visit, the first time that a Vietnamese foreign minister had officially visited Japan in 12 years. As one sign of a shift by Japan, Thach was promised a grant for a national television station. He stayed for six days, visited a car plant, and met with business leaders.

In anticipation of a government green light for investment, Japanese companies began to flock to Vietnam late in 1990. With a new liberal investment law, Vietnam offers the prospects of low-wage workers, a market of 67 million people for Japanese goods, and a large source of resources, such as oil and timber. In 1987, a Japanese company was first in line to buy Vietnam's first export of oil.

Two-way trade between Vietnam and Japan jumped more than 70 percent last year, according to the Japan-Vietnam Trade Association. Japan has become the leading non-Communist trading partner for Vietnam. Japanese investments, which technically violate the embargo, remain small at $71 million. But that amount puts Japan as the fifth largest investor, with an estimated 10 to 12 percent of total foreign investment.

Some Japanese investments announced in recent months include a $2 million soap factory, a $300,000 glue factory, and a fertilizer plant. Showa Shell Sekiyu, a Japanese oil company, is reported to be negotiating with Vietnam to do offshore drilling. Vietnam is making plans for 15,000 Japanese tourists this year, up from 2,000 last year.

KEEPING A LOW PROFILE

Powerful Japanese trading companies, such as Mitsubishi Corp., are opening offices in Vietnam. Some have kept a low profile in Hanoi and Ho Chi Minh City for years, laying the ground for full business relations, while trying not to jeopardize their access to the U.S. market.

The Japanese press reported that Prime Minister Toshiki Kaifu was ready to announce a resumption of aid to Vietnam in an "historic" speech during a planned tour of non-Communist Southeast Asia nations in mid-January.

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

GOOD MORNING, VIETNAM

It was as if two wars, not just one, ended with the American-led coalition's quick and decisive victory over Iraq. When the guns fell silent, President Bush proudly proclaimed that "The specter of Vietnam has been buried forever in the desert sands of the Arabian Peninsula."

Postwar diplomacy concerning the Middle East has already begun. But postwar diplomacy concerning Vietnam has been mired in bitterness and recriminations for 16 years. Washington can make constructive use of America's revived international pride by now moving to normalize relations with Vietnam.

Vietnam contributed to its long diplomatic isolation by sending troops into Cambodia late in 1978 and keeping them there for almost 11 years. But Washington is also to blame. The past four Administrations have refused to acknowledge the 1975 Communist triumph in Indochina as a fact of international life.

Hanoi prevailed against American power on the battlefield. Washington has punished this affront by diplomatic ostracism, even to the point of winking at a Chinese invasion of Vietnam and, until last year, aiding a Cambodian resistance coalition incorporating the genocidal Khmer Rouge.

Victory in this new war offers an opportunity to bury the bitter legacy of an old one. True, Vietnam is neither a model democracy nor a model international citizen. Its human rights performance has recently been criticized by Asia Watch and by brave voices from within. And while Hanoi has withdrawn its troops from Cambodia, it still backs hard-liners in Phnom Penh who resist implementing the United Nations peace plan.

Yet Vietnam's policies are no more offensive to Americans than those of many other states. The U.S. rightly maintains ties with Syria, even though it sponsors terrorism and occupies much of Lebanon. The U.S. deals with China despite the massacres in Tiananmen Square and Tibet, and with the Soviet Union despite the brutal crackdown in the Baltics.

Diplomatic relations give Washington the chance to raise vexing issues and exert a moderating influence. The Vietnam War ended 16 years ago. Now it has been officially buried. It's time to banish the ghost.

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[From the Washington Post, Mar. 7, 1991]

THE REAL "VIETNAM SYNDROME"

(By Mary McGrory)

If President Bush would like to formalize the defeat of the "Vietnam syndrome," which he proclaimed last Friday, he could do it in a grand way by recognizing Vietnam. He could start by lifting the trade embargo that has been in effect for 15 years.

Vietnam has been on the president's mind ever since he took office. He said rather mysteriously in his Inaugural Address that "the statute of limitations has been reached on Vietnam."

What he meant, it is plainer now, was that American presidents had been limited long enough in their use of force by the country's bitter memories of high casualties, head-down homecomings and political carnage.

While the president hailed the end of the "syndrome," others, especially women, dislike to see its demise. Men love war, as Gen. Robert E. Lee remarked, and would love it more if it were not so dreadful. The Persian Gulf War, which was a piece of cake for our troops, could make war a seductive alternative to the tedious, repetitive work of diplomacy.

But if he wants us to get over it, what better way to show it than by admitting Vietnam exists. Diplomatic recognition would say plainly that we have not only forgotten ourselves but have forgiven the enemy that improbably defeated us.

Bush could do it without the slightest difficulty. A president with a 90 percent approval rating could raise taxes with hardly a murmur. And now, having shown how tough he is, Bush could show his compassionate side.

Allowing Vietnam to take its place among the many flawed nations—including, especially, some of our gulf allies—with which we habitually do business would say it has suffered enough.

There would be no serious resistance from the country. A Time magazine poll taken last November shows that 48 percent can handle recognition. The preliminary step of ending the trade embargo wins by better than 2 to 1, 69.5 percent to 30.5 percent.

It isn't just crazy leftovers from the 60s who favor a resumption of normal trade relations—and a competitive bid against the Japanese, Australian and European businessmen who are flocking to the new marketplace. Sen. Richard G. Lugar, a moderate Republican from Indiana, wrote the president a letter last October saying "the time has come," arguing among other considerations that "added U.S. presence and increased commercial contacts will contribute to an improvement in human rights practices and a lessening of the repressive political ethos that still exists in the country." He had seven cosigners.

The U.S. Chamber of Commerce is representing 35 to 40 American corporations that want to get into business. Several oil companies are among those pressing the State Department to loosen up before all the goodies are gone. Mark Van Fleet of the chamber says Foggy Bottom tells his clients that Vietnam has not joined in the "comprehensive" Cambodia peace settlement proposed by the United States and several other countries, and that insufficient progress has been made on the perennial problem of the MIAs.

The fact is that there is always an alibi for maintaining the silly status quo. The real reason is that the Vietnamese beat us—and some Americans, unfortunately several of them in Bush's inner circle, can never forget it. The real Vietnam syndrome is particularly virulent in such Kissinger alumni as Brent Scowcroft and Lawrence Eagleburger, and Karl Jackson of the National Security Council staff, who is held responsible for the hard line on Cambodia.

There is also some resistance from older Vietnamese immigrants, who maintain a powerful hostility against the government of Vietnam, which has liberalized economically but not politically. Even so, it is hardly less democratic than Kuwait, the country we have recently liberated at such cost.

Others who might feel compelled to object are the old-line veterans organizations, the American Legion and the VFW. But it is difficult to think of veterans mounting any serious or sustained criticism against George Bush, who is being hailed by his countrymen as a combination of Henry V and Talleyrand.

Sen. Bob Kerrey (D-Neb.), who lost a leg in Vietnam and won the Medal of Honor, is one of those who is not sure that the passing of the syndrome is an unmitigated good for the nation's soul. And he's not sure that Vietnam veterans feel all that healed by the triumph in the gulf. They might feel a pang when they see the elaborate homecoming parades for the veterans of the 42-day war against an evaporating enemy. The Vietnam vets came home to cold stares, organized their own memorial and finally, to dedicate it, held their own homecoming parade, a shattering affair that began with a file of wheelchairs pushed by men in tattered uniforms.

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[From the San Francisco Chronicle, Mar. 6, 1991]

TIME IS RIGHT FOR NORMALIZING RELATIONS WITH VIETNAM

(By Casimir A. Yost)

Vietnam still remains on the American national consciousness more than 15 years after the fall of Saigon. Throughout the gulf crisis, American leaders have expressed determination not to repeat the "mistakes" of the Vietnam War.

Symptomatic of our inability to come to grips with our bitter experience in Southeast Asia is the fact that to this day we do not have diplomatic relations with Vietnam. Indeed, we still maintain an economic embargo on that country.

As former U.S. Senator Dick Clark noted at an American-Vietnamese dialogue convened last month by the Aspen Institute, "We are no longer enemies but we do not have a 'normal' relationship."

The Aspen conference brought together a group of Americans, including members of Congress, journalists and academics with a counterpart group of Vietnamese government and nongovernment participants for four days of meetings in Jamaica.

This was the second such exchange organized by Aspen and, like the first, it was designed to explore, informally and off the record, barriers to normalization of relations between our two countries. Normalization, at a minimum, would entail our lifting the economic embargo on Vietnam and setting up formal diplomatic relations between Washington and Hanoi.

The United States sought to normalize relations with Vietnam in 1977, but Vietnamese demands for war reparations doomed this effort. And Vietnam's invasion of Cambodia in December 1976 pushed the normalization issue to the U.S. back burner.

The regional context today for possible normalization is very different than a decade ago. Vietnam has withdrawn its troops, if not all its advisers, from Cambodia. The Soviet Union is drastically reducing its aid to Vietnam and Cambodia and is participating in the efforts of the five permanent members of the United Nations Security Council to find a negotiated settlement in Cambodia between the four warring factions.

China no longer feels threatened from the North by the Soviet Union nor from the South by Vietnam. Vietnam's neighbors feel less fearful of Hanoi, and, indeed are expanding trade ties with that country despite the embargo.

Vietnam now wants to normalize relations with the United States in order to have the economic embargo lifted and to diversify or balance its big power relationships. Finally, the United States has a lessened strategic interest in the region given the declining Soviet role in Southeast Asia.

VIETNAM'S PLIGHT

Vietnamese participants in the Aspen conference were forthright in describing the current economic plight faced by Vietnam. With a population of 65 million and a per capita income of $200, Vietnam is one of the poorest countries in the world. It is plagued by unemployment, inflation and corruption.

Vietnamese admit to past economic mistakes. "We believed," said one conference participant, "the bigger the projects, the sooner we would achieve socialism." Now, Vietnamese argue, "we cannot progress without competition."

In 1986 Vietnam began to move from a command economy to a market economy, from concentration on heavy industry to concentration on agricultural production and light industry. This policy of "renovation" registered considerable success.

By 1989 Vietnam was the third biggest exporter of rice in the world. But a variety of factors have stalled Vietnam's economic progress, including the U.S.-led economic embargo, severe bureaucratic impediments, a socialist mindset, inferior infrastructure and dwinding East bloc support.

Vietnamese are aware of the political "risks" of trying to move from a command to a market economy. They are also mindful of the democratizing forces loose around the world. Vietnam is challenged by political upheavals in other Leninist societies.

Vietnamese participants in the Aspen conference argued that political change is coming to Vietnam. "People review and discuss policies," said one. "This would not have happened before." Another said that party control "does not mean that the party can do whatever it wants. This is the lesson of * * *

The Vietnamese were not explicit on their leadership succession problems but were adamant in saying that Vietnam had no intention of becoming a multi-party state. They noted the attractions of Singapore's system of authoritarian rule combined with economic openness.

The Vietnamese expressed puzzlement and frustration at the fact that the great powers that had once paid attention to them now appeared disinterested. They are worried by waning Soviet support and suspicious of rising Chinese interest in improved relations. They are convinced that our policy in the region is a function of our China interests.

One Vietnamese asked if "the United States believes that Vietnam should be kept under wraps." Vietnamese participants argued, repeatedly, that normalization is in U.S. interests because Vietnam had economic opportunities that would disappear as other countries took advantage of the Vietnamese market.

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Vietnam, in short, faces tough choices; how far to go in economic reform, what degree of political liberalization to accommodate at home, how to balance competing interests in Cambodia, and what level of relations to press for with the major powers—China, the U.S.S.R. and the United States.

DEALING WITH THE PAST

A conference such as this brings out the diversity of views in the American body politic. Clearly some American businessmen want to put the past behind us. Some academics argue that the Vietnamese military withdrawal from Cambodia merits lifting our economic embargo. Some journalists point to the risks of a U.S. policy that countenances a role for the Khmer Rouge, whose murderous regime once ran Cambodia, in the peace process. Others argue that we should support the Vietnamese-backed government in Phnom Penh.

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It is U.S. policy to seek a Cambodia settlement and resolution of the POW/MIA issue prior to normalization. Assistant Secretary of State Richard Solomon has said, "This is a process we see moving in stages," with normalization hinging on these two issues.

Our policy toward the region has shifted in the last few months. In July, 1990, Secretary of State James Baker announced that the United States would talk directly with Hanoi to reach a Cambodian settlement and would no longer support the three party coalition, including the Khmer Rouge, in the United Nations. He has since met with Vietnamese Foreign Minister Thach in New York and Washington.

The five permanent members of the United Nations' Security Council announced on August 28, 1990, their detailed plan for a Cambodian settlement. It was subsequently endorsed by the four Cambodian parties.

This framework for a peace process would have the United Nations play a substantial role in organizing Cambodian elections, monitoring a Cambodian cease fire, and running certain governmental institutions in the period prior to elections. It calls for the creation of an interim Cambodian authority, the "Supreme National Council." While the major parties to the conflict—the four Cambodian factions, Vietnam, and China—have accepted the so-called Perm Five framework, the devil is in the details.

Outstanding issues include the pace and scope of demobilization and positioning of Cambodian forces, who will control weapons, who will hold Cambodian sovereignty, and the precise powers of the United Nations in the pre-election period.

Vietnam and the Phnom Penh government are concerned about ceding too much authority to the United Nations and giving too great an advantage to the Khmer Rouge. They are afraid that the Khmer Rouge will return to power under the cover of elections. They have pressed for some reference to past genocidal practices.

The Vietnamese claim that there are limits as to the pressure they can put on their Cambodian friends. In the words of one, "the pepper is very tiny but very hot." The Chinese continue to demand a role for their clients, the Khmer Rouge, in the process.

The United States believes the Perm Five process provides the best possible avenue to a peaceful resolution of the conflict. We believe that any solution ultimately must have the concurrence of China and Vietnam.

We believe that we must work with China, and that our leverage is limited. We claim we will recognize if Vietnam is acting in good faith and the peace process still fails. Its success is far from assured.

Meanwhile, the POW/MIA issue continues to be another barrier to normalization. We are convinced that the Vietnamese have more to give on this issue. Indeed, a recent Library of Congress study states. "The evidence is overwhelming that the Vietnamese are holding the remains of perhaps as many as several hundred Americans."

Some Americans argue that live POW's remain in Vietnamese hands while others maintain that the Vietnamese are bargaining with American remains. Still others maintain that we are asking of the Vietnamese far more by way of accounting than we sought after any other war. The bottom line is that the United States is not yet satisfied that Vietnam has done its best on this issue.

Normalization of U.S.-Vietnamese relations remains an elusive goal tied to what happens on the POW/MIA issue and in Cambodia. The former is entirely resolvable by the Vietnamese.

However, a positive outcome in Cambodia requires the cooperative action of a number of countries and Cambodian factions. This cooperation appears increasingly problematic. There is a real risk that the Khmer Rouge wil continue to gain strength with Chinese and other support.

The day may not be too distant when we will want to abandon the linkage of a Cambodian settlement to normalization of U.S./Vietnamese relations.

We may come to see normalization between Hanoi and Washington as part of a larger, necessary response to a growing Khmer Rouge threat in Cambodia as well as a way to promote our larger interests in the region.

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[From the Atlantic, March 1991]

VIETNAM: SHUT OUT

(By James Fallows)

[The U.S. embargo on Vietnam does not prevent other countries from doing business there, but it does prevent the country from rebuilding itself.]

The U.S. attempt to starve Vietnam out, through a political and economic embargo, is senseless. Most Americans are not even aware that such a campaign is under way. After all, within the past year the U.S. government has re-approved most-favored-nation trade status for China, prepared to donate food to the Soviet Union, found a way to coexist with the brutal new SLORC regime in Burma, and applied a forgive-and-forget economic policy to most nations other than Iraq. But in Vietnam the U.S. embargo remains the central fact of economic life. It makes existence undeservedly miserable for many millions of people, while doing no visible good for anyone—except, perhaps, for businessmen in Taiwan, Singapore, Australia, and Japan.

What the Vietnamese refer to as "the embargo" is really two policies. One is the U.S. government's attempt to prevent Americans from buying from, selling to, investing in, or otherwise having anything to do with Vietnam. Under prevailing Supreme Court rulings the government cannot prevent Americans from traveling to Vietnam, but it gums up other dealings with impediments large and small. AT&T and the other American phone companies will not place a call from the United States to Vietnam. (If you want to send a fax to a university or a government office in Vietnam, you send it instead to someone in Bangkok—or, for that matter, Toronto—and ask to have it passed on. The people most harshly affected by the phone ban are, of course, the million or so Vietnamese-Americans, many of whom have relatives in Vietnam). Last year several thousand U.S. citizens, most of them Vietnamese-Americans or U.S. military veterans, traveled to Vietnam—but the Lindblad travel agency, in Connecticut, lost more than $500,000 in fines and legal fees for daring to organize such tours and subsequently declared bankruptcy. Tours are legally and profitably organized by several big agencies in Bangkok. Air Vietnam, which has a monopoly on flights within the country, carries passengers on a fleet of dirty and decrepit Soviet planes. Yet when the airline was angling last year to buy an Airbus from Europe, the U.S. government discouraged the sale, because the plane's engines are made by General Electric. Hotels and government shops in Ho Chi Minh City, the former Saigon, have bright new signs saying that Visa cards are accepted—but not if you are a U.S. citizen, or if the card was issued in the United States, or if it drawn on an American bank. In those circumstances the Vietnamese won't take the card, because U.S. Treasury Department regulations forbid the banks to pay. The U.S. dollar is in practice the legal tender of Vietnam. Trade contracts are denominated in dollars; hotel and restaurant prices are set in dollars; visitors from Japan, Italy, and even the Soviet Union must carry around wads of U.S. currency with which to settle their bills. Yet under the charmingly named Trading With the Enemy Act, the U.S. government behaves as if every one of those dollars were there illegitimately. The United States was intimately involved with Vietnam for more than a decade. Now Vietnam is one of only a handful of countries with which the United States attempts to prevent all diplomatic and economic interaction.

The second part of the embargo policy consists of U.S. pressure on the World Bank, the Asian Development Bank, and the International Monetary Fund to keep them, too, from dealing normally with Vietnam. Although the United States is the single biggest force in each of these organizations, on its own it cannot dictate their policies. But the Japanese representatives, who make up the second-largest voting bloc, have lined up behind the United States on this issue, and together the two countries have stonily kept most international organizations out of Vietnam. The United Nations operates a few small development-aid programs and an extensive refugee-processing system within Vietnam, but in general Vietnam must exist outside the network of loans, international credits, financial restructuring plans, and so forth that countries from Ghana to Peru to Bangladesh can participate in. (Technically, the IMF excludes Vietnam not because of the embargo but because Vietnam hasn't paid off some $140 million in old debts. Vietnam is hardly the only Third World country in arrears. Its problem could be cleared up with bridge loans, as has been done in many other countries, if Japanese and American banks could get involved.) Apart from the Soviet Union—which has for the past decade subsidized Vietnam's economy, received tens of thousands of Vietnamese guest workers, and provided cutrate shipments of fertilizer and oil—Sweden and Finland are the only nations that have given Vietnam substantial amounts of foreign aid.

Of the two components of the embargo, the pressure on international organizations is the more important. Vietnam has what is politely referred to as an "infrastructure problem." The roads, the telephones, the electrical-power network, and the water and sewage systems are terrible or nonexistent. I asked Vo Vai Luoc, of the Institute for World Economy, in Hanoi, "Which problem is the most urgent? Transportation? Communications? Power?" He answered, "Yes"—and not because he misunderstood me. The amount of money needed to create a telephone system for 65 million people, rebuild

roads not maintained for twenty years, and renovate antique seaports and airports is more than any private investor will put up. Since the end of the Second World War mammoth infrastructure projects in many parts of the world have typically been sponsored by the World Bank or other international lending organizations; this is how Japan built its Bullet Train system in the 1960s. Other countries throughout Asia draw constantly on World Bank and Asian Development Bank advice and loans. Vietnam cannot, because the United States says no. Thailand, Cambodia, Laos, and Vietnam are inching toward cooperation on several Mekong River projects, to cope with the environmental ruin of the Southeast Asian forests. The Mekong committee's office in Hanoi has a thick folder of requests for funding: so much to monitor water quality, so much to restock fish, so much to offset the intrusion of salt water into the Mekong Delta region. None of this can go anywhere so long as Vietnam is classified as a pariah.

Americans might say that they just don't feel like subsidizing the reconstruction of Vietnam. The U.S. government's policy goes further than that: it is an attempt to keep Vietnam from rebuilding itself. Vietnam's population is very young, and most people can barely remember when U.S. troops were in their country. It is hard to see how today's Vietnamese children bear responsibility for the wounds the United States suffered during those years. Yet policies left over from the bitter 1960s and 1970s help keep them poor.

What is the point of it all—of the small-minded restrictions on Americans and the serious limitations on Vietnam? There are two ways of judging America's policy: on the basis of what it's supposed to do, and on the effect that it actually has.

The stated rationale for the embargo has shifted over the years. The Trading With the Enemy Act, enacted in 1917 as an anti-German tool, was applied to North Vietnam in 1964, when that country was in fact the military enemy. The law was extended to the country as a whole after the North Vietnamese conquest of the South (or, to put it in the terms that are officially used in Vietnam these days, after the "Liberation" that eliminated the "puppet forces"), in 1975. Since 1979, when the Vietnamese completed their invasion of Cambodia, drove out Pol Pot's Khmer Rouge regime, and established their own dependent government, U.S. policy has been tied to events in Cambodia. For ten years the United States insisted that Vietnam withdraw its occupying forces. In the opinion of most foreign governments, Vietnam did exactly that late in 1989—as Secretary of State James Baker officially acknowledged last summer. Baker acknowledged the withdrawal, however, less as an occasion for U.S.-Vietnamese rapprochement than as evidence that the hard-line policy was working: because of American implacability, the Vietnamese had finally given in.

The negotiations over Cambodia's future are of hopeless, Middle East-like complexity. The essential point is that the United States is ostracizing Vietnam for the sake of a bargaining position—not because Vietnam has outraged international standards of decency. Vietnam did invade Cambodia, and does continue to prop up and manipulate the People's Republic of Kampuchea (PRK), the nominal government of Cambodia. But China continues to prop up the Khmer Rogue, which is still directed by the same people who wrought genocide in the 1970s, and which continues to take over Cambodian territory with Chinese guns and supplies. If the United States felt inclined to get moralistic (again) about Southeast Asia, the most appropriate target for its wrath would be not Vietnam but China, without whose sustenance the Khmer Rouge could not survive. But the Bush Administration seems to act on the assumption that ancient, mighty China cannot be swayed by outside pressure. Therefore the United States continues to squeeze Vietnam.

In a way the years of squeezing have paid off. Vietnam has grown weary enough of its exile that it has compromised on some points, especially by withdrawing its troops. But its officials have consistently made clear that they can never, ever countenance the return of the Khmer Rouge. This is not so much because they are squeamish about what might happen inside Cambodia as because when the Khmer Rouge was in power, its army kept attacking villages in Vietnam. As best I could judge from two weeks of interviews with officials in Vietnam, the emotional and logical content of their position is comparable to what Soviet leaders would now feel if Hitler were still alive and had a panzer force threatening to take control of Poland. Officially, the U.S. policy, too, is designed to keep out the Khmer Rouge. But until the Vietnamese are sure that some other, still unspecified arrangement will provide sure protection against the Khmer Rouge, they will stick with their pet PRK.

The strongest argument for continuing the embargo is that some agreement among the many squabbling Cambodian factions has seemed through the past year to be in sight. Why relax the pressure on the Vietnamese as the Soviet Union cuts back on its subsidies? But Americans could just as easily argue that now is the time to reward Vietnam for the steps it has taken, and to encourage it to take more. This is exactly the logic we have applied to China and the Soviet Union within the past year. Nguyen Co Thach, the Vietnamese Foreign Minister, is known to have argued internally that Vietnam would be rewarded for withdrawing from Cambodia and undertaking its ambitious doi moi program of economic liberalization. As long as the embargo continues, he is proved wrong.

There is, of course, a reason why Vietnam seems less lovable and forgivable than the Soviet Union of Gorbachev's reformers or the China of the Tiananmen Square demonstrators. Although U.S. policy does not explicitly link the embargo to the MIA issue, the suspicion that the Vietnamese are still locking up American prisoners, or hoarding their bones, generates considerable ill will. The Vietnamese government has not exactly helped its own cause by doling out remains two or three at a time and seeming to treat the bodies as useful bargaining chips. In 1980 a mortician who had fled Vietnam told a congressional committee that he had seen the bones or bodies of several hundred American soldiers stored in a warehouse outside Hanoi. Although the North Vietnamese Communists seemed to understand American psychology very well during the war years, the case can be made that they barely understand the United States at all. During the Carter years the Vietnamese government queered a chance for normalization by demanding reparations; only recently has the emotional power of the MIA question sunk in. Members of the American "reconciliation team" working on the POW/MIA issue say that their Vietnamese counterparts have been more cooperative in recent months.

Even if it made sense on its own big-think strategic terms, the embargo would have a serious practical limitation: it doesn't scare away anyone but the Americans. The embargo has succeeded in stunting and distorting the Vietnamese economy, and in keeping American businesses out of Indochina; but it is more and more obviously failing to keep out businesses from other countries, or to bring the Vietnamese government to its knees.

Although many nations condemned Vietnam's invasion of Cambodia in 1979, almost no one agrees with America's embargo anymore. All other major nations have embassies in Hanoi. None imposes Trading With the Enemy-style limits on its citizens or businesses who want to trade with Vietnam. The Japanese government, with its down-the-line support of the embargo in international organizations, illustrates how shallow the enthusiasm for the embargo is. Officially it will not let Japanese firms invest in Vietnam, to avoid offending the United States. In some cases, however, Japanese banks and corporations have channeled money through front organizations in Indonesia or Hong Kong, which then invest in Vietnam. And there is no visible restriction on Japanese trade with Vietnam. This year Japan should overtake the Soviet Union as Vietnam's leading trade partner. Japanese firms sold $300 million to $400 million worth of manufactured products to Vietnam last year, mainly in exchange for Vietnamese crude oil. (Although Vietnam is potentially a large oil producer, it has only a few working wells now, and virtually no refineries. Therefore it exports crude oil to Japan, in exchange for machinery, and has until recently relied on the Soviet Union for refined oil. The end of the Soviet-subsidized oil supply is the most immediately pressing economic problem.) All the vehicles on Vietnam's streets which are not Soviet-made are from Japan. All the refrigerators, TVs, and VCRs that are not Japanese are Korean. In Saigon's major hotels—the Rex, the Caravelle, the Majestic, and the Continental—blocks of rooms are on long-term lease to Japanese trading firms such as Nissho Iwai and Mitsubishi. One of the malicious delights of traveling in today's Vietnam is watching Germans, Soviets, Italians, and even incredulous Frenchmen being made to conduct their business in English. The Japanese businessmen and travelers I saw were doing their business largely in Japanese.

Most other countries don't even bother to keep up appearances. The Taiwanese, who have cultural and linguistic ties to the Chinese community in southern Vietnam, see no reason to abide by the American policy. After all, the United States does not even classify Taiwan as a real country anymore. (The United States has in Taipei not an embassy but an "American Institute." U.S. diplomats who are assigned there must temporarily resign from the foreign service.) Of the foreign firms with whom Vietnam has set up some 200 joint ventures since liberalizing its foreign-investment law three years ago, the most enthusiastic seem to be from Taiwan. One of the largest, called Pan Viet, is building new apartment blocks, producing ceramic tile and paint, running an agricultural-experiment station, and even planning to develop a suburb for foreign residents, with a golf course and an international school, to be ready for Americans when they decide to come back. Companies from France, Australia, Holland, and Italy participate in other joint ventures. In all, foreign firms have invested more than $2.2 billion in new capital.

Australia enjoys a trade surplus with Vietnam, importing fish and grains and having

sold, among other things, three large satellite dishes to handle international phone calls. ("Now I can call Paris and Bangkok," an official of the Ministry of Commerce told me in Hanoi. "The problem is calling Haiphong.") There are huge billboards from the Korean corporate giants Daewoo and Samsung near the entrances of the airports in Hanoi and Ho Chi Minh City. During my stay I met technicians from Ireland working on the telephone system, a pharmaceutical salesman from Italy, a handicrafts dealer from Holland, and a French engineer working on Vietnam's offshore oil fields. The manager of a Vietnamese shipping line guilelessly explained to me how Vietnamese handicrafts reach customers in America: first the ship goes to Vancouver, then all the documents are changed, and then it goes on to the United States. The prize for hypocrisy regarding the embargo goes easily to Singapore. Its official policy toward Vietnam is, if anything, more ferocious than that of the United States, but most of the Coca-Cola, EverReady batteries, and other Western goods stacked in markets in virtually every Vietnamese city come through merchants in Singapore. Each week passengers fly between Ho Chi Minh City and Singapore, although the flights are not listed on any schedules. Whenever an article appears describing the commercial involvement of Singapore in Vietnam, the Singapore government declares that it is simply shocked by the news.

Vietnamese officials have recently figured out that they can play on American age-of-decline insecurity in their arguments against the embargo. Shortly before the "Liberation," Mobil discovered the sizable "White Tiger" oilfield in Vietnamese waters in the South China Sea. Last year Vietnam assigned exploration rights for several sites to companies from Canada, France, Kuwait, and elsewhere, but not to U.S. firms. Mobil and Texaco, along with Citibank, have sent exploratory missions to Vietnam. The American chambers of commerce in Bangkok and Hong Kong, representing U.S. companies operating there, last year formally recommended that the embargo be lifted, to end "the continuing loss of U.S. business opportunities in Vietnam to global competitors." Raymond Eaton, an Australian businessman based in Bangkok, has become famous locally for speeches arguing that non-U.S. companies should seize the "golden opportunity" that the embargo creates and "do your very utmost to capitalize on the total inability of American companies to compete against you." (Eaton also urges the United States to eliminate the "golden opportunity" by lifting the embargo.) The manager of a building project in Hanoi told me, "We hoped very much to use American elevator equipment in our building, but, you know . . ." Vo Dai Luoc, of the Institute for World Economy, told me, "In the past the United States spent billions of dollars to establish its influence in this part of the world. It was not possible that way, but simply by permitting business relations the United States may succeed in obtaining a role in this region."

The real reason the embargo persists, of course, is that we lost the war. That is also the reason that, although we can forgive the Soviet Union and Nicaragua, we can't forgive Vietnam—even though it is a relatively well-behaved country now, with economic-reform plans as impressive as most in Eastern Europe. Shortly before I left for Vietnam, I talked with an American politician who agreed that the embargo no longer made sense. But it might continue, out of inertia, for a long time. "It's all up to the war heroes," he said. When politicians like the senators John McCain, Robert Kerrey, and John Kerry—men who fought and suffered in Vietnam—say it is time to forgive their former enemies, he told me, then others can safely go along. But until then, he said, it is not safe or sensible even to mention the name Vietnam.

It's natural that we would prefer never to think about Vietnam again. Being involved there did us great harm. So with a kind of unconscious spite we continue a policy that hobbles an entire nation and helps us not at all, mainly because a generation ago we came to grief there. In decency we should stop.

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By Mr. McCAIN (for himself, Mr. MACK, Mr. BURNS, Mr. COATS, Mr. LOTT, Mr. CRAIG, Mr. HATCH, Mr. KASTEN, Mr. SMITH, Mr. McCONNELL, Mr. BOND, Mr. HELMS, Mr. GARN, Mr. SYMMS, Mr. NICKLES, and Mr. ROTH):

S. 809. A bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes; to the Committee on Rules and Administration.

TAX FAIRNESS AND ACCOUNTABILITY ACT

• Mr. McCAIN. Mr. President, today I'm introducing the Tax Fairness and Accountability Act of 1991. This is a simple piece of legislation—it is genuine, honest, purposeful.

Mr. President, this legislation does two important things. First, it establishes that any new tax, or increases in existing taxes, requires 60 votes of the Senate for passage. And, second, it repeals that section of last year's budget bill which required 60 percent of revenue reductions—tax cuts—while requiring only a simple majority for tax hikes. That provision of the 1990 budget bill virtually assures that the Federal tax bite will only grow, and that tax reductions like those passed in the 1980's will become near impossibilities.

It's time we, in government, regained our sense of balance and respect for our own private sector. We cannot, and must not, view the incomes of our citizens, families, and businesses solely as a source of money to satisfy the apparently insatiable Federal spending appetite.

In short, Mr. President, my bill seeks to place the health and well being of our private economy above that of government.

Mr. President, I know this legislation will be opposed by some in this body, but we must recognize that our actions here change the financial relationship that exists between government and the private sector, and are among the most fundamentally important actions we must take each year.

When Congress acts to increase revenues, we send shock waves through our entire economy. No part of the private sector is ultimately immune from an increase in government taxation.

It is our responsibility, as elected officials in the Congress of the United States, to recognize that our actions have real, tangible consequences and that the lives of our families and citizens are impacted each time we change the financial relationship between government and the private sector.

Mr. President, that alone is reason enough to pass this legislation.

It shouldn't be impossible to raise taxes—and that is not the purpose of my bill. But, it should be difficult, and should be a matter of grave debate and deep concern to all.

It should not be what it is—business as usual. The business we should be primarily concerned about is the business of America—our families and enterprises—not the Federal Government.

Mr. President, I urge my colleagues in the Senate to join with me in this unprecedented effort to begin the long process of restoring trust and partnership with American taxpayers and our private sector by supporting this important first step. I urge all in the Senate to join me in a better understanding of where our resources come from.

I want to express my thanks and gratitude to Senators MACK, BURNS, COATS, LOTT, CRAIG, HATCH, KASTEN, SMITH, McCONNELL, BOND, HELMS, GARN, SYMMS, and NICKLES for their cosponsorship of this bill.

I urge all in the Senate to join us in reaffirming our respect and admiration for the principles of free enterprise that have given so much to this country.

I ask unanimous consent that the Tax Fairness and Accountability Act of 1991 be printed in the RECORD immediately following my statement.

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

S. 809

*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 Tax Fairness and Accountability Act of 1991.

**SEC. 2. SUPERMAJORITY REQUIREMENT IN THE SENATE.**

In the Senate, any bill or amendment increasing revenue shall be considered and approved only by an affirmative vote by three-fifths of the Members of the Senate, duly chosen and sworn.

**SEC. 3. AMENDMENT TO THE CONGRESSIONAL BUDGET ACT OF 1974 STRIKING 60-VOTE REQUIREMENT FOR REVENUE REDUCTION.**

Section 311(a) of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following: "Notwithstanding any other provisions of this Act or any other law, a bill, resolution, or amendment that reduces revenues may be considered and approved by a simple majority of the Senate."•

• Mr. BURNS. Mr. President, I rise today to offer my support of the Tax Fairness and Control Act of 1991, introduced by my good friend from Arizona, Senator McCAIN. I was surprised and amazed, as I am sure most of my colleagues were, to learn of this unfair

language in the Budget Enforcement Act of 1990.

The American taxpayer is being played for a fool, Mr. President. Their taxes can be raised by a simple majority, 50 votes plus 1. However, in order to lower their taxes there must be a "super" majority of 60 votes.

During the entire budget debate last year, we all heard the buzzword called fairness. Well, Mr. President, the language in the budget bill tells the working class taxpayers that the Congress is not going to play fair. We have crafted the rules to favor raising taxes to solve a budget shortfall instead of cutting taxes to stimulate growth in the economy.

The Congress is looking at the wrong end of the equation. Every American, if they were aware of the language, would be angry and upset. So I commend Senator MCCAIN for introducing a bill that will require a 60-vote majority for any tax increase and a simple majority of 50 votes plus 1 for a tax cut.

Tax cuts can promote economic growth, which in turn increases Federal tax revenues. Virtually all economists now agree that we are now in a recession. Recessions inevitably cause the Federal deficit to grow because Federal revenues go down while Federal expenditures go up.

Senator MCCAIN's bill places a heavier burden on the U.S. Senate to control Government spending and not allow the Senate to take the easy way out and raise taxes. This bill will prove to the American taxpayers that the Senate is serious about balancing the budget without placing further burden on the working class. This body talked a good game last year about fairness, now is the time to step up and do something responsible about it.●

● Mr. COATS. Mr. President, when I voted against the budget package last October, I did so for a number of reasons. One of the most damaging portions of the package was a renewed emphasis on the old, economically devastating tax and spend philosophy which has created a huge budget deficit at the Federal level and placed extreme restrictions on the ability for our economy to realize its full growth potential.

The American family has borne the brunt of irresponsible and excessive taxes and is suffering today as a result.

Unfortunately, the structure of the budget agreement has made it very difficult for those of us who believe the Government absorbs too great a portion of the working American's paycheck; who recognize that tax cuts stimulate economic growth and activity; who are outraged over continued excessive and wasteful Government spending, to enact responsible legislation.

We would like to see changes in our current policies. Changes that restore hard earned dollars directly to the American family through a doubling of the personal exemption. Changes such as a cut in the capital gains tax which would reinvigorate economic activity and create new jobs. Changes which make it harder for the Federal Government to increase the tax burden on the American public.

The fact that the budget agreement has made it easier to increase taxes and harder to cut them should outrage all taxpaying Americans. While only a simple majority is needed to approve a tax increase to feed an already bloated Government and sustain programs and projects in which the Government has no business being involved, a 60-vote majority is needed to approve tax cuts. A simple majority for unfair tax increases. A super majority for fair tax cuts.

Mr. President, the U.S. Congress has the power to reverse this travesty, and I believe we have a responsibility to the American people to do so.

Senator MCCAIN from Arizona has had the courage and foresight to take on this mechanism which perpetuates the abuse of government power and the siphoning off of the American paycheck.

His bill, which I proudly cosponsor, will make it easier for those of us who would like to cut taxes to do so by requiring only 51 votes for passage. It will make it more difficult for the proponents of a greater tax burden by requiring a 60-vote majority for any tax increase.

It is time to put our foot down and insist that our deficit cutting efforts are focused on reducing spending, not on increased taxes. The current emphasis of tax and spend is not in the best interests of the American public. We have no business catering to an out-of-control government and sustaining special interests when they are dragging down the American family and the American economy.

It is our duty to protect American interests and Senator MCCAIN's bill is a vitally important first step in achieving that goal. I urge my colleagues to join us in this effort by cosponsoring this very critical piece of legislation. It will benefit the American people we have been elected to represent and will go far in restoring some of our credibility as a responsible body of government.

Again, I thank the Senator from Arizona for his leadership on this issue and yield back the balance of my time.●

● Mr. CRAIG. Mr. President, at this particular time of the year, we Americans are all too well aware of the size of our tax burdens. And judging by my recent calls, letters, and conversations in Idaho and across the Nation, no taxpayer wants to see that burden increased.

How, then, can this body tolerate budget procedures that actually make it more difficult to lower taxes than it is to raise them?

The answer, of course, is: We can't.

That's why I am pleased to join Senator MCCAIN today in the introduction of the Tax Fairness and Accountability Act of 1991. Those who have watched the budget battles in Congress year after year will appreciate the significance of this bill's requiring a 60-vote majority for tax increases and only a 50-vote majority for tax cuts. What's more important, even those tens of thousands of taxpayers who haven't followed annual legislative maneuvering will likely feel the significance of this reform—in their pocketbooks.

The power to tax is a dangerous tool: Used unwisely and excessively, it can destroy the very individuals, families, businesses, and Nation it is supposed to benefit. It is certainly appropriate, then, to impose one more check that will ensure such a decision is made deliberately and represents the will of a true majority of the American people.

Mr. President, this reform would not strip any constitutional taxing authority from the Congress; it just slightly raises one Senate procedural hurdle in the race to impose taxes, and slightly lowers one in the struggle to cut them. I commend my colleague from Arizona for his leadership in discovering the problem and working out a measured and appropriate response, and I hope the Senate will move swiftly to enact this reform.●

● Mr. HATCH. Mr. President, I rise today to join Senator MCCAIN in urging our colleagues to support the Tax Fairness and Accountability Act of 1991.

Mr. President, this country is now experiencing a recession. Based on recent reports, the economy continued to soften in February. The civilian unemployment rate jumped from 6.2 percent in January to 6.5 percent, the highest since early 1987.

During this period of need, the ability of this legislative body to do something to help is hampered by the Budget Enforcement Act of 1990 which requires 60 votes in the Senate to pass any revenue-cutting legislation. This requirement ties the hands of Congress in doing what needs to be done—pass legislation designed to spur the economy.

This problem is made worse by the static scoring system utilized in Congress today. This method of scoring often categorizes a bill as losing revenue when, in reality, it would raise revenue through increased economic activity. For example, a commentary by Warren Brooks printed in the Washington Times on February 25, 1991, discusses the effects of the Wallop/DeLay growth package. This package will likely be scored as a revenue loser, thus requiring 60 votes to pass in the Senate. The article shows that this proposal would add 1.633 million jobs and contribute $228 billion to the GNP

by the year 1995. In looking at the effect on revenues, however, the static method of scoring this bill shows it as a revenue loser, losing $32 billion by the year 1995. When looking at the whole picture using a dynamic approach to scoring, this bill becomes a revenue raiser, increasing taxes. We cannot ignore the relationship this legislation will have on the dynamic market.

By reversing this bias from one which focuses on tax-raising provisions to one which emphasizes tax cuts, we are making if possible for the Senate to take an aggressive role in controlling the recession. Controlling the level of taxation is a prudent budgetary tool. Economic activity is increased under lower levels of taxation. This increases total revenue and will help us out of this recession. On the other side of the question, by making it more difficult to raise the level of taxes, we are utilizing a proven tool to combat recession.

Let us allow Congress to become a driving force in combatting the recession by taking the first step toward controlling the spiraling budget deficit and the recession. I urge my colleagues to support the Tax Fairness and Accountability Act of 1991.●

● Mr. SMITH. Mr. President, Congress raised taxes in 1982, 1983, 1985, 1987, 1989, and 1990, and the Federal deficit this year will be more than $300 billion. Clearly, tax increases are not solving our budget problems. In fact, tax increases, combined with a lack of spending discipline, are creating our budget problems.

The Tax Fairness and Accountability Act of 1991 is a necessary step toward fiscal responsibility. Most Americans would probably prefer a 70- or 80-vote requirement for raising their taxes, but 60 is a fair number, and a number with precedent in this body.

I would like to thank my colleague from Arizona, Senator MCCAIN, for spearheading this effort on behalf of the American taxpayer. Senator MCCAIN has been active on the spending side of the deficit equation, with his support of enhanced rescission power and the line-item veto. This legislation will help focus attention on an equally devastating budget and economic problem—congressional addiction to raising taxes.

Mr. President, tax increases stifle economic growth. To date, congressional efforts to hold the line on taxes have failed miserably. Perhaps a 60-vote requirement will change this fact. I am proud to cosponsor the Tax Fairness and Accountability Act of 1991.●

● Mr. BOND. Mr. President, I commend Senator MCCAIN for his excellent work on this bill. I am very proud to be a cosponsor of the Tax Fairness and Accountability Act of 1991 because it is time Congress gave taxpayers a break. When I first came to the Senate in 1987, many Missourians wrote to tell me they were angry their long-term savings and investment plans had been gutted by the Tax Reform Act of 1986. Many times Congress has given business owners and individual taxpayers good investment and savings incentives only to turn around and take them away after prudent investors had made long-term plans for their futures. Incentives such as the individual retirement account and lower capital gains taxes are only two of many examples where this has happened.

Business owners and individual taxpayers in Missouri are fed up with a system which makes it all too easy for Congress to raise taxes. While a good faith effort was made last fall to raise revenue and control spending, taxpayers do not believe that any spending control occurred—just a raise in taxes. As long as it is easy to get a simple majority to raise taxes, and not make any real cuts in spending, no cuts in spending will be made. That is why we need the Tax Fairness and Accountability Act of 1991.

This bill does not make it impossible to raise taxes, but it does make it more difficult. The 60-percent majority that would be required to pass a tax increase would ensure that every possible consideration would go into any decision to ask taxpayers for more money. It makes it possible for real cuts in spending to be the first consideration in controlling the deficit and it would give the taxpayers more confidence in the economy.

There can be little doubt that confidence in the U.S. economy has eroded. We are not in a recession. Unfortunately, this lack of confidence has permeated every aspect of the U.S. economy from investment to production to spending. While most economists predict an end to the recession later this year, the Congress could easily waylay it by increasing taxes or by not cutting spending.

Some in Congress may believe that cutting spending will have too negative an impact on parts of the economy. This is not necessarily true. Certainly there would be fewer Government contracts and, perhaps, a few less benefits, but these can be offset easily by leaving more money in communities from the start. This means not raising taxes and even lowering taxes in areas that promote economic growth. To raise taxes leaves little desire to invest in the economy to balance out with private funds any cuts in Federal spending.

A start to lowering taxes and increasing savings has been made this year with the introduction of the Savings and Investment Incentive Act. The next step is to make sure that, if passed, this and future savings and investment plans of American taxpayers cannot be arbitrarily ripped away, as they were in 1986, by passing the Tax Fairness and Accountability Act of 1991.●

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By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. HATFIELD, Mr. METZENBAUM, Mr. DODD, Mr. ADAMS, Mr. BURDICK, Mr. LEVIN, Mr. CONRAD, Mr. KERRY, Mr. KOHL, and Mr. SHELBY):

S. 810. A bill to improve counseling services for elementary school children; to the Committee on Labor and Human Resources.

ELEMENTARY SCHOOL COUNSELING DEMONSTRATION ACT

● Mr. HARKIN. Mr. President, I rise today to introduce S. 810, the Elementary School Counseling Demonstration Act of 1991.

This legislation, which I introduced during the 101st Congress, establishes and expands counseling programs in our elementary schools, so that we can address the special needs of young people during the most critical period of their development. Currently, only 12 States require elementary counselors in their school systems, and many of these States have mandated counselor-student ratios at the unacceptable level of one counselor for every 400 to 500 students.

This bill authorizes the Secretary of Education to provide elementary school counseling demonstration grants to local school districts at an annual level of $5 million for the next 5 years. These grants, at a maximum of $200,000 per year, will be available to individual schools for up to 3 years. The legislation directs the Secretary to distribute these grants equitably throughout the United States, targeting rural, urban, and suburban areas. In addition, districts applying for the grants must maintain a counselor-student ratio of no more than 1 counselor per 250 students and must involve parents, business, and community groups in developing their counseling programs.

Experts in the field recommend this counselor-student ratio for providing counselors sufficient time to more effectively serve children. This ratio allows counselors to conduct small group sessions, classroom prevention programs, and consultation with teachers, administrators, and parents.

This theory has been put to practice in Iowa and it works. In 1988, the Des Moines Public School established the Smoother Sailing Pilot Program which decreased the counselor-student ratio to the recommended level. Smoother Sailing now operates in 10 Des Moines schools and provides an enhanced elementary school counseling program for students in kindergarden through fifth grade.

Early research shows increased student achievement and self-esteem while reducing the frequency and intensity of discipline problems in the 10 schools. Smoother Sailing proved to

me how important early intervention programs are to the war on drugs. To stop the spread of drugs, we must reach our children before the drug dealers do.

This legislation is critical, for the stresses inflicted on our children today are enormous. We need to reach children who are suffering from physical abuse, those who live with a drug-addicted or alcoholic parent, and many who must contend with the aftershocks of a brutal divorce. Without school counselors available to address these issues with our children daily, these pressures culminate in disruptive behavior, academic problems, and emotional disorders.

We recently celebrated National School Counseling Week, and this event highlighted the tremendous talent and enthusiasm in the counseling community today. These professionals see themselves as prevention specialists rather than therapists. They understand that, by making contact with a child early on, these students have a better chance of developing the self-esteem and problem-solving skills that will benefit them during their teenage years.

Smoother Sailing should serve as a model program for Iowa and the rest of the Nation. The Elementary School Counseling Demonstration Act expands the principles and objectives of Smoother Sailing to the entire Nation. I believe a successful demonstration project will encourage all school districts to make elementary school counseling programs a priority. We know that investing in our young people is the key to ensuring a society of healthy and educated adults. Programs such as Head Start attest to the success of this early intervention and prevention strategy. I hope my colleagues will support this bill, so that we can help our youngsters excel during their school years and in the years beyond.●

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By Mr. HOLLINGS (for himself, Mr. EXON, Mr. BRYAN, Mr. BREAUX, Mr. REID, Ms. MIKULSKI, and Mr. SIMON):

S. 811. A bill to require the Secretary of Transportation to lead and coordinate Federal efforts in the development of magnetic levitation transportation technology and foster implementation of magnetic levitation and other high-speed rail transportation systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

HIGH-SPEED RAIL TRANSPORTATION ACT

Mr. HOLLINGS. Mr. President, in 1990, President Bush issued a national transportation policy statement prepared by Secretary Skinner and the Department of Transportation [DOT]. In announcing the policy, the President spoke of the need to find means of improving the mobility of our citizens in the future. While there has been some criticism of the administration's policy, I certainly agree that, if we are to remain competitive as a nation, we need to do a better job of transporting people.

With this in mind, I am introducing today, with Senators EXON, BRYAN, BREAUX, REID, MIKULSKI, and SIMON, a bill that will establish a comprehensive Federal policy for the development of high-speed rail, including magnetic levitation [maglev], transportation within the United States. This bill recognizes the recent advances made by the Federal Government's national maglev initiative and seeks to augment this effort by strengthening the framework for a genuine partnership between the private and public sectors. It is directed toward research, development, and implementation of high-speed rail technology in this country, promoting the goal of a domestic high-speed rail industry, rather than simply relying on foreign technology to meet United States and world needs.

The bill I am introducing will accomplish several goals. At the outset, it provides a statutory charge for DOT to lead Federal high-speed rail efforts in cooperation with other interested Federal agencies. This builds on the principles of the High-Speed Ground Transportation Act, which, since the 1960's, has set for DOT the goal of promoting advanced methods of high-speed transportation. In the Rail Safety Improvement Act of 1988, Congress further clarified the authority of the Federal Railroad Administration [FRA] within DOT to establish safety standards for maglev and other advanced rail transportation systems.

This bill also uses the provisions of the Stevenson-Wydler Technology Innovation Act to authorize the Secretary of Transportation to enter into cooperative research and development agreements with United States companies to conduct research to overcome technical and other barriers to the development and construction of high-speed transportation systems. Under the bill, $150 million in Federal funding is authorized, over a 5-year period, for the purposes of supporting a mandated feasibility study by DOT and providing grants for research, development, and implementation of commercial, high-speed transportation in the United States. Funding awarded for grants would be matched by the private sector as part of these research agreements. This public/private sector partnership should do much to ensure a solid commitment to the development of high-speed rail transportation.

Finally, this bill establishes within DOT, and specifically the FRA, a new Office of High-Speed Ground Transportation, headed by a Director who reports to the FRA Administrator. This office is to establish national uniform standards for both high-speed rail and maglev systems, regulate the design and construction of these systems to ensure conformity with standards of technology, safety and environmental quality, and make annual recommendations for legislative and administrative action to facilitate these projects.

All too often in transportation, we are faced with solving immediate problems, with putting out bonfires. It is rare that we have the opportunity to look forward. High-speed rail gives us the opportunity to be farsighted, to be visionary. Yet, this technology is clearly rooted in reality and, indeed, can help us meet our pressing transportation problems.

I am pleased to report that there is growing interest in high-speed rail transportation by the private sector and government. I know others share with me an interest in examining further the potential for, and, I hope, the implementation of high-speed rail transportation in this country. The legislation that I am introducing today should do much to advance this concept and move the United States and our transportation network into the 21st century. I look forward to working with my colleagues and the administration on this proposal.

Mr. EXON. Mr. President, I am pleased to join the chairman of the Commerce, Science, and Transportation Committee, Senator HOLLINGS, as an original cosponsor in the introduction of the High-Speed Rail Transportation Act of 1991. This legislation addresses the need for cooperative research and development efforts among industry, the academic community, and government if the United States is to assert its technological prowess in the area of magnetic levitation [maglev] and other high-speed rail transportation initiatives.

As those of you familiar with this technology know, U.S. scientists pioneered maglev technology in the 1960's and 1970's. The High-Speed Ground Transportation Act was passed in 1965 with the Federal Government initially providing research and development grants. In 1975, the Federal Government pulled out of the maglev race, after which Japan and Germany became the leaders in this field. Given the increasing demands being placed on our existing transportation arteries, I am encouraged that efforts are under way through the national meglev initiative to determine the appropriate Federal role in advancing energy-efficient, high-speed technology which has the potential to supplement existing transportation modes, increase system capacity, and foster economic growth.

This bill requires the Department of Transportation to lead and coordinate Federal efforts to develop high-speed technologies and foster implementation. These efforts would be advanced by entering into cooperative research and development agreements with U.S.

companies to conduct research to overcome technical and other barriers to the development and construction of these systems. This legislation also requiries the Department to study the commercial feasibility of constructing one or more high-speed transportation systems in the United States. Within 18 months of enactment, the Secretary is to submit this study to the appropriate committees of the Congress. Additionally, the bill authorizes a total of $150 million over a 5-year period, beginning with fiscal year 1992, to support the mandated study and provide grants for the research, development, and implementation of a viable U.S. commercial high-speed rail transportation industry.

The "Statement of National Transportation Policy: Strategies for Action" released in 1990 by the administration, highlighted the need to "provide seed money for research on new transportation systems and technology, and assist in assessing their feasibility." We must take this mission seriously if we hope to assure the viability and technological competitiveness of the U.S. transportation industry.

I urge my colleagues to join me as a cosponsor of the High-Speed Rail Transportation Act of 1991.

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By Mr. JEFFORDS (for himself and Mr. GRAHAM):

S. 812. A bill to amend the Federal Water Pollution Control Act; to the Committee on Environment and Public Works.

AMENDMENT TO THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. JEFFORDS. Mr. President, on May 21 of last year, the Supreme Court ruled that a State does not have the right to regulate the flow of water at dams within its border. The bill I am introducing today clarifies Congress' intent that a State does have control over its own water resources. Before a hydropower dam can receive a Federal permit, the dam must first comply with the laws of the State in which it proposes to operate.

The necessity for this change in law arises from a unanimous Supreme Court decision of May 21 in California versus Federal Energy Regulatory Commission (Rock Creek). The Court founded its decision on a precedent established in First Iowa Hydro-Electric Cooperative versus Federal Power Commission 46 years ago. In view of the long period of intervening time, the Court declined to revisit the interpretation of the Federal Power Act as set forth in the First Iowa decision.

Our knowledge and understanding of the environment has changed dramatically in the last 46 years. Our increasing awareness has prompted passage of the Clean Water Act; the Clean Air Act; the Resource Conservation and Recovery Act; the Comprehensive Environmental Response, Compensation, and Liability Act, and many other environmental measures. I regret that the Supreme Court was not willing to reconsider the precedent set 46 years ago given the environmental awareness that existed at that time.

Mr. President, we have too many examples of the Federal Government's inability to balance environmental concerns with other interests. Our Federal Government's record of protecting the environmental quality of its own lands is poor, and now the Court has given the Federal Government the chance to do the same to State waters.

The Federal Energy Regulatory Commission has an important and difficult regulatory task. With our present and future energy needs, it is very important that we utilize our domestic resources. FERC should be given the regulatory flexibility to review and approve, if appropriate, emerging energy technologies. I agree that FERC's review process is cumbersome, inefficient, and in need of streamlining.

I honestly question, however, whether FERC has the resources and knowledge necessary to undertake the depth of review that is required in many of these applications for small hydroelectric power plants. I have much more confidence in the ability of States to protect the integrity of streams and rivers. In the past, I have proposed delegating the licensing authority to the States. I continue to support any efforts in direction.

In the interim, however, FERC must abide by State water quality standards. Streamlining the relicensing process should not come at the expense of the environment or of States' legitimate needs. Without a regulatory foothold in the application process, the States are rendered essentially powerless.

My bill is very brief and to the point, Mr. President. This bill expands section 401 of the Clean Water Act to stipulate that a "discharge" from a hydropower project includes an activity that, while it might not introduce pollution into the waterway, might still result in water quality degradation or impairment of designated uses recognized under State law. Some courts have interpreted section 401 as applying merely to numeric standards for dissolved oxygen and bacteria in the water. Other uses, such as preservation of wildlife and recreational access, are not given equal standing. This bill gives preservation of wildlife and recreational access equal standing under the law. Numerous environmental groups support this legislation. I have heard from numerous State agencies in support of this legislation, including Alabama, Arkansas, California, Kentucky, Maine, New York, New Jersey, and Idaho.

My bill is not intended to be a hindrance to the development of hydroelectric facilities. These facilities, however, must be built and operated in a manner that is considerate of other uses of the waterway, and States that have enacted policies to balance these competing uses should have the authority to enforce their policies.

My colleague, Senator CRAIG, has introduced legislation to clarify that it is not the intent of the Federal Power Act to pre-empt State laws. The Craig bill raises legitimate issues which I hope will be promptly and thoroughly reviewed by the Committee on Energy and Natural Resources. I look forward to working with all of my colleagues who are concerned about this issue. I would also like to thank the Energy Committee for accommodating many of my concerns thus far.

Mr. President, the Supreme Court, in its decision, invited Congress to revisit and clarify its intent on the issue of State's authority to protect their water resources. Once again, it is my personal opinion that current law already provides this authority to the States. The courts have differed, and so I propose to settle the matter through enactment of this legislation. I urge my colleagues to support this legislation.

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. 812

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 401(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1341(a)(1)) is amended by inserting immediately before the period at the end of the first sentence a comma and the following: "and, in the case of a hydroelectric project under the jurisdiction of the Federal Energy Regulatory Commission that any such activity will comply with water quality standards issued under section 303 and allow for protection, achievement, and maintenance of designated uses included in such standards".

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By Mr. GRASSLEY:

S. 813. A bill to establish the Federal Interagency Advisory Council and promote the use of senior citizens in the support of Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

S. 814. A bill to amend the Environmental Programs Assistance Act of 1984 to provide that for purposes of liability for damage, injury or death caused by the negligence or wrongful acts or omissions of individuals authorized by such act, the United States is liable, and for purposes of access to trade secrets and confidential business information such individuals are authorized representatives of the U.S. Environmental Protection Agency; to the Committee on Environment and Public Works.

FEDERAL SENIOR CITIZEN PERSONNEL SUPPORT COUNCIL ACT AND THE ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF 1984 AMENDMENTS

• Mr. GRASSLEY. Mr. President, today I am introducing two bills, one of which would help further the employment of older workers, and one of which would enable older workers in an existing program to fully perform the duties required by their jobs. The first bill would establish a Federal interagency council to promote, and coordinate the use of, older workers in the Federal Government. This council would be called the Federal Senior Citizen Personnel Support Council.

The second bill would clarify the Government's liability for the actions of individuals performing services for the Environmental Protection Agency [EPA] in that Agency's Senior Environmental Employment Program [SEE], and would provide those workers with the same access to proprietary information needed to do their work that regular EPA employees have. I introduced both bills last year, but too late in the session for action.

The aim of the interagency council bill is to help foster programs in Federal agencies that employ retired workers. The program established by this legislation would do this in several ways:

First, it would require the interagency council to develop, and monitor implementation of, a plan to increase the employment and utilization of senior citizens as support personnel for Federal programs, and, where feasible, for State and local government programs; to exchange information between Federal agencies with respect to increasing the utilization of senior citizens; and to recommend any legislation necessary to remove obstacles which prevent employment of senior citizens by the Federal Government.

Second, it would require each Federal agency to show, through an agency plan, to be submitted to the council, how it would achieve the goals of the plan developed by the council.

Finally, the Federal Council on Aging would periodically review the progress made by the Federal Government toward employing senior citizens as support personnel in Federal agencies. This Federal Council on Aging review would look at unintended regulatory barriers to employment of older workers, determine the adequacy of announcements of program support opportunities, and identify ways to eliminate impediments and hindrances to employment of older workers.

The inspiration for this council proposal, Mr. President, is the Senior Environmental Employment Program, known as the SEE Program, at the Environmental Protection Agency [EPA]. This program employs older workers to carry out many of the regular activities of the Agency.

This program began some years ago as a demonstration project run jointly by EPA and the Administration on Aging in the then Department of Health, Education, and Welfare. The primary purpose of this original project was to demonstrate ways in which older Americans could be effectively employed in jobs relating to the prevention, abatement, and control of environmental pollution.

Several years later, in 1984, legislation was introduced by myself and Senators Stafford, Heinz, Specter, and Pell to make the program permanent. The Environment and Public Works Committee agreed unanimously to report the legislation, it passed the Senate, and the President signed what became Public Law 98-313 on June 12, 1984.

This program has been a success, and has demonstrated conclusively that older workers can make a contribution to achievement of the Agency's objectives. EPA seeks out older Americans with appropriate skills, training, and expertise to augment its permanent headquarters staff and field staff, as well as the staff of State and local government. These workers survey waste dumps, conduct surveys of hazardous waste products, study the extent to which migrant workers are exposed to pesticides, and undertake many other tasks related to the mission of EPA.

Recently, other agencies have become interested in organizing SEE-type programs. Such a program has been created at the Federal Communications Commission, and I believe that organization of such a program is under consideration at the Occupational Safety and Health Commission.

Mr. President, I believe that this interest shown in a SEE-type program in the Federal Government outside of EPA shows that there is considerable potential for such programs throughout the executive branch and State and local government. I believe that a council, of the sort envisioned by this legislation, could greatly help foster the employment of well-qualified older workers throughout the Federal Government.

The second bill I am introducing today would clarify the Government's liability for the actions of individuals performing services for the EPA in the SEE Program. The bill would also provide the SEE Program workers the same access to proprietary information needed to do their jobs that regular EPA employees presently have.

I am introducing this legislation today because there is concern at the EPA that their SEE workers might be liable to lawsuit as a consequence of work they do on behalf of EPA. What the legislation would do is cover these SEE workers under the Federal Tort Claims Act. The workers in question work under the close, direct, supervision of career EPA officials, on projects, specified by EPA officials, which are undertaken as part of the EPA mission.

There is also concern at the EPA that the workers in question may not have the legal authority to review, in the course of their work, materials considered to contain proprietary information. This bill would make it clear that they are empowered to review such materials. Again, it is important to stress that these workers are under the close supervision of EPA officials. Furthermore, they are mature individuals with long histories of work comparable to work they would be performing for EPA. In other words, I believe that they would be able to handle such information in a responsible way.

Mr. President, I have a statement from the EPA to the effect that neither the Department of Justice nor the Office of Management and Budget have any problem with this legislation.

I ask unanimous consent that this letter be placed in the RECORD after my remarks together with the text of the two bills.

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

S. 813

*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 "Federal Senior Citizen Personnel Support Council Act of 1991".

**SEC. 2. PURPOSES.**

The purposes of this Act are to—

(1) advance the development of more employment programs which utilize the talents and skills of older Americans especially those who may be subject to age discrimination in the job market;

(2) strengthen the capacity of Federal agencies to perform legislative mandates; and

(3) increase the opportunities for senior citizens to serve the Nation in highly specialized and technical areas where their knowledge and experience can make a meaningful difference.

**SEC. 3. ESTABLISHMENT.**

There is established the Federal Senior Citizen Personnel Support Council (hereafter referred to as the "Council").

**SEC. 4. MEMBERSHIP OF THE COUNCIL.**

(a) MEMBERSHIP.—The Council shall be composed of 7 members, including—

(1) the Administrator of the Environmental Protection Agency;

(2) the Commissioner of the Administration on Aging of the Department of Health and Human Services;

(3) the Secretary of Labor; and

(4) 4 members appointed by the President, 2 of which shall be representatives of—

(A) national aging organizations; and

(B) senior citizens at large.

(b) CHAIRMAN.—the Administrator of the Environmental Protection Agency shall serve as the Chairman of the Council for the initial 3-year term. Thereafter, the Council shall select a Chairman from among its members.

(c) QUORUM.—Four members of the Council shall constitute a quorum.

(d) TERM OF OFFICE.—Each appointed member shall be appointed for a term of 3 years. A member may serve more than 1 term.

(e) VACANCIES.—Any vacancies in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment.

(f) INITIAL APPOINTMENTS.—Initial appointments to the Council shall be made within 60 days after the date of the enactment of this Act.

**SEC. 5. FUNCTIONS.**

(A) FEDERAL PLAN.—The Council shall develop and monitor the implementation of a Government-wide Federal plan to—

(1) increase the employment and utilization of senior citizens as support personnel for federally sponsored programs;

(2) provide for State and local government participation;

(3) exchange information between Federal agencies to greater utilize the skills, training, and expertise of senior citizens in such programs; and

(4) recommend any legislation necessary to remove obstacles preventing implementation of plans under this Act.

(b) FEDERAL AGENCY PLANS.—The Council shall review the report and plan of each Federal agency submitted under section 6.

(c) REPORT.—No later than January 15 of each year, the Council shall submit a report to the President and the Congress on the status of the implementation of the Federal plan developed under subsection (a) for the preceding year.

**SEC. 6. FEDERAL AGENCY PLANS AND REVIEW.**

(a) FEDERAL AGENCY PLANS.—No later than January 15 of each year, each Federal agency shall submit to the Council a plan that—

(1) applies and implements the Government-wide plan developed under section 5 to the agency;

(2) sets out the objectives of the agency in implementing such plan in the upcoming year; and

(3) measures the performance of the agency in meeting the objectives of the preceding year.

(b) Federal Departments and Agencies establishing employment programs for senior citizens shall designate such programs as Senior Employment Exchange (SEE) programs with the exception of the United States Environmental Protection Agency, which has been established as the Senior Environmental Employment (SEE) program.

(c) REVIEW OF FEDERAL AGENCY PROGRAMS.—No later than January 1, 1995 and every 5 years thereafter, the Director of the Federal Council on Aging shall oversee a special review by each Federal agency to determine the extent to which senior citizens are given an equal opportunity to participate as support personnel in Federal programs. The review shall examine unintended regulatory barriers, determine the adequacy of announcements of program support opportunities and identify ways for eliminating impediments and hindrances.

**SEC. 7. COOPERATION WITH FEDERAL AGENCIES.**

(a) FURNISHING INFORMATION.—Each department, agency, and instrumentality of the Federal Government is authorized and directed to furnish to the Council, upon requests made by the Chairman, such data, reports, and other information not otherwise prohibited by law as the Council determines necessary to carry out its functions.

(b) PROVISION OF SERVICES.—The head of each department or agency of the Federal Government is authorized to provide to the Council such services as the Council requests on such basis, reimbursable or otherwise, as may be agreed between the department or agency and the Chairman of the Council. All such requests shall be made by the Chairman of the Council.

(c) ENVIRONMENTAL PROTECTION AGENCY SUPPORT SERVICES.—For the initial term of the Administrator of the Environmental Protection Agency as Chairman of the Council, the head of the Office of Senior Environmental Employment of such agency shall provide support services for the Council. Thereafter the Environmental Protection Agency, the Department of Labor, and the Administration on Aging shall provide services to the Council on a rotational basis or as otherwise agreed by such agencies in the same manner as provided for under subsection (b).

**SEC. 8. ADMINISTRATIVE PROVISIONS.**

(a) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of service for the Council, appointed members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(b) PERSONNEL.—The Council may appoint and fix the compensation of personnel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at a rate not to exceed the maximum rate authorized by the General Schedule. In addition, the Council may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for the maximum rate authorized by the General Schedule.

(c) CONSULTANTS.—The Council is authorized to negotiate and enter into contracts with private organizations and education institutions to carry out such studies and prepare such reports as the Council determines are necessary in order to carry out its duties.

(d) COMPENSATION.—Individuals serving under the Senior Employment Exchange program shall be considered enrollees, entitled only to those wages and other appropriate fringe benefits as provided by statute and regulation governing such programs.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Council such sums as may be necessary to carry out the provisions of this Act.

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S. 814

*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 "Environmental Programs Assistance Act of 1984 Amendments of 1991".

**SEC. 2. AMENDMENTS TO THE ENVIRONMENTAL PROGRAMS ASSISTANCE ACT.**

Section 2 of the Environmental Programs Assistance Act of 1984 (42 U.S.C. 4368a) is amended by adding at the end thereof the following new subsections:

"(d) For purposes of liability for damage, injury or death caused by the negligence or wrongful acts or omissions of an individual whose talents are authorized to be used by this section, the United States is liable for the damage, injury or death in accordance with the provisions of the Federal Tort Claims Act where the individual was acting in accordance with the directions of or under the supervision of an authorized Federal employee.

"(e) For purposes of access to trade secrets and confidential business information, any individual whose talents are authorized to be used by subsection (a) in connection with programs administered by the Administrator of the Environmental Protection Agency, including the Solid Waste Disposal Act (42 U.S.C. 6921(b)(3)(B)(ii)(II), 6927(b), and 6991d(b)); the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604 (e)(2) and (e)(7)); the Clean Water Act (33 U.S.C. 1318(b) and 1369(a)(1)); the Clean Air Act (42 U.S.C. 7414(c), 7542(b), and 7607(a)(1)); and the Public Health Service Act (42 U.S.C. 300j-4(d)); shall be considered to be an authorized representative of the Administrator and the United States and eligible for such access. Such access shall be in accordance with United States Environmental Protection Agency regulations governing disclosure of confidential information to authorized representatives.

"(f) For purposes of access to trade secrets and confidential business information, any individual whose talents are authorized to be used by subsection (a) shall, while being utilized in connection with the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136h(e), 136(f)(2), and 136j(a)(2)(D)); the Toxic Substances Control Act (15 U.S.C. 2613 (a)(2) and (d)(2)); the Noise Control Act (42 U.S.C. 4912(b)); or under section 408(f) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a(f)); be considered to be an authorized representative of the Administrator and the United States and eligible for such access.".

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U.S. ENVIRONMENTAL PROTECTION AGENCY,
*Washington, DC, May 29, 1990.*

Hon. CHARLES E. GRASSLEY,
*U.S. Senate, Washington, DC.*

DEAR SENATOR GRASSLEY: This letter is to inform you that the Office of Management and Budget has advised the U.S. Environmental Protection Agency (EPA) that there is no objection to the presentation of EPA's proposal cited as the "Environmental Programs Assistance Act Amendments of 1990" to Congress from the standpoint of the Administration's program.

We appreciate your continued interest in this matter.

Sincerely yours,
CHRISTOPHER P. HOFF,
*Acting Director,*
*Legislative Analysis Division.*●

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By Mr. BROWN (for himself, Mr. HATCH, and Mr. DANFORTH):

S. 815. A bill to amend the Public Health Service Act to provide for the establishment of an office of medical insurance and to establish a self-insurance fund to provide coverage for successful malpractice claims filed against health service providers utilized by community and migrant health centers, and for other purposes; to the Committee on Labor and Human Resources.

COMMUNITY AND MIGRANT HEALTH CENTERS SELF-INSURANCE ACT

● Mr. BROWN. Mr. President, I rise today to introduce legislation to save

community and migrant health centers millions of dollars and use those savings to enhance health care services for America's poorest citizens.

This bill enjoys the support of the National Association of Community Health Centers, the Association of Maternal and Child Health Programs, and the American Association of State and Territorial Health Officers. Although the latter two organizations would not directly benefit from this legislation, they understand the need to address the issue of malpractice coverage for health professionals who serve in medically underserved areas and see this as a first step in developing a wide range of new answers to old problems.

Community and migrant health centers were created in 1966 to provide high-quality health care to patients who, due to poverty, disability, or geographic location normally received little or no health care. Today there are 540 centers across the country with nearly 2,000 clinic sites.

Given the limited funding available to community and migrant health centers, and an increasing demand nationally for their services, the time has come to reduce the burden on these centers of the excessive expense for malpractice insurance.

Health care costs now account for 11.6 percent of the gross national product, and Congress is faced with the spectre of increasing costs for publically sponsored health care. Congress must examine every Federal dollar spent in the area of health care and make certain that taxpayer dollars are used wisely.

Where Federal action is necessary, Congress should be a prudent consumer and provider of health care services and learn to efficiently and effectively finance health care for America's neediest citizens. By reviewing how we currently spend health care dollars, we can find ways to restructure our system to release moneys to address pressing national concerns, such as health care for America's poor.

The exorbitant cost of malpractice insurance has centers struggling to provide primary health care for our Nation's neediest people. According to the National Association for Community Health Centers, for every one patient they serve, four more need care. Health centers are reporting that 15–28 percent of their patients have to be placed on a waiting list due to limited financial and professional resources.

Health centers are experiencing a shortage of obstetricians/gynecologists. In fact, 30–40 percent of all centers do not have staff obstetricians/gynecologists and must contract out for these services or simply not offer prenatal care. This limitation has a tremendous effect on the 1.8 million women of childbearing ages who depend on community and migrant health centers for prenatal care and family planning services.

Who depends on these centers? Six million Americans a year receive care from community and migrant health centers. Of these 6 million patients, 4 million are minorities and 2.5 million are children. Community and migrant health centers also play a key role in delivering health care services to the homeless of our society, serving over 300,000 homeless Americans.

Community and migrant health centers are a main source of primary care for this Nation's uninsured. In a report by the National Association of Community Health Centers, they estimate that 49 percent of patients treated at these health centers are uninsured Americans. The remaining 51 percent are a mixture of Medicare and Medicaid clients, and a small number of privately insured patients.

In my home State of Colorado, 243,534 patients were treated by community and migrant health centers in 1990 at an average cost of $206 per patient; 65 percent of the patients treated at the 14 community and migrant health centers in Colorado do not have insurance; 30 percent of all patients were children under the age of 14; 12 percent were migrant and seasonal farmworkers. In my hometown of Greeley, the Sunrise Community Health Center has had to stop seeing new patients from outside of Weld County due to limited resources.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 815

*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 "Community and Migrant Health Centers Self-Insurance Act of 1991".

**SEC. 2. ESTABLISHMENT OF OFFICE OF MEDICAL INSURANCE.**

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end thereof the following new section:

**"SEC. 330A. OFFICE OF MEDICAL INSURANCE.**

"(a) ESTABLISHMENT.—The Secretary shall establish within the Public Health Service an Office of Medical Insurance to administer the fund established under subsection (b).

"(b) SELF-INSURANCE FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the Office of Medical Insurance Self-Insurance Fund (hereafter in this section referred to as the 'Self-Insurance Fund'), consisting of such amounts as are transferred to the Self-Insurance Fund under paragraph (2) and any interest earned on the investment of amounts in such Fund under paragraph (3)(B).

"(2) TRANSFER OF AMOUNTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall transfer to the Self-Insurance Fund an amount equal to the sum of amounts received under subparagraph (B).

"(B) AMOUNTS.—The Secretary of Health and Human Service shall make available for transfer under subparagraph (A)—

"(i) from amounts appropriated under sections 329(h), 330(g) and 340—

"(I) $30,000,000 for fiscal year 1992;

"(II) $25,000,000 for each of the fiscal years 1993 and 1994; and

"(III) for each of the 1995 and subsequent fiscal years, such sums as are determined necessary by the Office of Medical Insurance, based on claims filed during each of the fiscal years 1992 through 1994, to maintain the actuarial soundness of the Self-Insurance Fund; and

"(ii) such sums as are received, and not otherwise utilized for administrative purposes, by the Office of Medical Insurance from assessments made under subsection (c)(2).

"(C) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred to the Self-Insurance Fund under subparagraph (A) shall be transferred at least quarterly from the general fund of the Treasury to the Self-Insurance Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(3) INVESTMENT OF FUNDS.—

"(A) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Self-Insurance Fund as is not, in the judgment of such Secretary, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

"(i) on original issue at the issue price; or

"(ii) by purchase of outstanding obligations at the market price.

The purposes for which obligations of the United States may be issued under chapter 31 of title 31, of the United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Self-Insurance Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt, except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

"(B) SALE OF OBLIGATION.—Any obligation acquired by the Self-Insurance Fund (except special obligations issued exclusively to such Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Self-Insurance Fund shall be credited to and form a part of such Fund.

"(4) OBLIGATIONS FROM FUND.—

"(A) IN GENERAL.—The Secretary of Health and Human Services, acting through the Office of Medical Insurance, is authorized to obligate such sums as are available in the Self-Insurance Fund (including any amounts not obligated in previous fiscal years) to—

"(i) provide coverage for successful medical malpractice claims filed against health care providers utilized by community or migrant health centers or other centers receiving assistance under section 329, 330 or 340 or their health care providers, if such claims arise from care provided by such providers pursuant to authority granted by such health centers; and

"(ii) provide coverage for successful claims filed against the Directors or officers of community or migrant health centers, or against health care for the homeless programs, receiving assistance under section 329, 330 or 340 or their health care providers, if such claims arise from any acts, errors, or omissions of the duties of such Directors or officers;

as provided for in subsection (c)(3)

"(B) CONTINGENCY FUND.—From amounts transferred into the Self-Insurance Fund under paragraph (2)(B), the Secretary of Health and Human Services shall set-aside—

"(i) $10,000,000 in fiscal year 1992; and

"(ii) $5,000,000 in each of the fiscal year 1993 and 1994;

to establish a contingency fund, that may be invested as provided for in paragraph (3), to be utilized only upon a determination made by such Secretary that a claim made on the Self-Insurance Fund is of a catastrophic nature.

"(5) OVERSIGHT.—

"(A) EVALUATION.—Not less than once every 2 years, the Office of Medical Insurance shall conduct a review of the Self-Insurance Fund to evaluate the actuarial health and soundness of such Fund and shall track any substantial changes in total amounts claimed against such Fund during such periods.

"(B) EXCESS FUNDS.—If the Office of Medical Insurance determines that excess monies are building up in the Self-Insurance Fund as a result of investment returns or lower than expected anticipated claims against the Fund, such Office shall direct the Secretary of the Treasury to transfer such excess from the Fund to the appropriate accounts for the funding of migrant and community health centers under section 329, 330 or 340. Notification of such transfers shall be provided by the Office to the appropriate Committees of Congress.

"(C) INSUFFICIENT FUNDS.—If the Office of Medical Insurance determines that insufficient amounts are contained in the Self-Insurance Fund, the Office shall request that the President submit a budget request, either as part of the annual budget of the United States government submitted to the Congress pursuant to section 1105 of title 31, United States Code or for a supplemental appropriation, for additional funds.

"(c) ADMINISTRATIVE PROCEDURES.—

"(1) ELIGIBILITY.—To be eligible to receive coverage from the Self-Insurance Fund under subsection (b)(4), a migrant or community health center, or health care for the homeless program, that receives assistance under section 329, 330 or 340 shall—

"(A) permit any malpractice insurance contract that such center has entered into prior to the date of enactment of this section, and that has not expired by such date, to remain in effect until its normal expiration date;

"(B) notify the Office of Medical Insurance that such center has—

"(i) elected to accept malpractice insurance coverage as provided for in this section; or

"(ii) elected to retain malpractice insurance coverage under a commercial insurance contract that is demonstrated to be less expensive to such center than participation in the Self-Insurance Fund;

"(C) agree to make contributions as provided for in paragraph (2); and

"(D) agree to comply with the claim procedures described in paragraph (3).

"(2) CENTER CONTRIBUTIONS.—The Office of Medical Insurance shall, for each fiscal year for which a migrant or community health center, or health care for the homeless program, that receives assistance under section 329, 330 or 340 elects to accept malpractice insurance coverage from the Self-Insurance Fund, assess a contribution to be paid by each such center based on a pro-rata formula developed by the Office to maintain the actuarial soundness of the Self-Insurance Fund.

"(3) CLAIM PROCEDURES.—

"(A) COVERAGE.—The Self-Insurance Fund shall provide coverage, as provided for in this section, for a court ordered settlement decision, or out of court settlement agreement, concerning a medical malpractice claim that is ordered or reached after the date of enactment of this section, without regard to the date on which such claim was originally filed.

"(B) SUBMISSION AND PAYMENT OF CLAIMS.—A court ordered settlement decision or out of court settlement agreement shall be submitted by the appropriate migrant or community health center, or health care for the homeless program, to the Office for Medical Insurance for payment from the Self-Insurance Fund not later than 30 days after such decision or agreement is ordered or reached. The Office will make payment on such claim, after determining that the center has complied with the requirements of this section, during either the second or fourth quarter of the fiscal year during which such claim for payment is made.

"(C) CLAIMS MANAGEMENT.—The Office for Medical Insurance may enter into a contract with a public or nonprofit private entity for the management of claims submitted to the Self-Insurance Fund under this section.

"(d) USE OF SAVINGS.—

"(1) MIGRANT OF COMMUNITY HEALTH CENTERS.—Section 329(d)(4)(B) or section 330(d)(4)(B) shall apply to a migrant or community health center that derives any savings as a result of participating in the Self-Insurance Fund.

"(2) HEALTH CARE FOR THE HOMELESS PROGRAMS.—The Secretary shall promulgate regulations that apply provisions similar to those referred to in paragraph (1), to savings derived, as a result of participation in the Self-Insurance Fund, by health care for the homeless programs that are funded under section 340.

"(e) ADMITTING PRIVILEGES.—It shall be unlawful for any hospital to deny admitting privileges to any physician, dentist, or other health care personnel who is employed by, or under contract to, a health center, program, or other entity receiving assistance under section 329, 330, or 340 and to whom admitting privileges are available, except that such physician, dentist, or other health care personnel shall otherwise meet the professional qualification standards established by the hospital for granting such privileges and shall agree to abide by all published bylaws, rules, and regulations applicable to the medical staff of such hospital.

"(f) ACTUARIAL ANALYSES.—

"(1) REQUIREMENT.—Not later than September 30, 1997, the Office of Medical Insurance shall request and enter into contracts for the conduct of three actuarial analyses concerning the performance of the Self-Insurance Fund.

"(2) TYPES.—The analyses required under paragraph (1) shall include—

"(A) an analysis to be conducted by the Health Care Financing Administration;

"(B) an analysis to be conducted by the Congressional Budget Office; and

"(C) an analysis to be conducted by an independent evaluator selected by the Office through a competitive bid process.

"(3) CONTENTS.—The analyses conducted under this subsection shall be based on the claims history of the Self-Insurance Fund for at least a 36-month period and shall contain—

"(A) recommendations on the manner in which the Fund should be managed during the 4-year period beginning with fiscal year 1997;

"(B) a description of whether the Fund contains sufficient or excessive amounts of capital; and

"(C) a description of the actions that are or may be needed to ensure that the administration and capitalization of the Fund is in compliance with this section.

"(4) DATA COLLECTION METHOD.—Not later than 1 year after the date of enactment of this section, the Office of Medical Insurance shall develop a data collection method to ensure that accurate and reliable data is collected and made available concerning the Self-Insurance Fund.".

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By Mr. MOYNIHAN (for himself, Mr. BROWN, Mr. PELL, Mr. HELMS, Mr. LIEBERMAN, Mr. BURNS, Mr. INOUYE, Mr. SIMON, Mr. KERRY, Mr. SPECTER, Mr. WALLOP, Mr. AKAKA, Mr. BRADLEY, Mr. MCCAIN, Mr. DECONCINI, Mr. COATS, Mr. D'AMATO, Mr. DIXON, Mr. RIEGLE, and Mr. SEYMOUR):

S. 816. A bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Baltic peoples to alleviate suffering; to the Committee on Foreign Relations.

BALTIC HUMANITARIAN ASSISTANCE

• Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation which would provide $20 million in humanitarian assistance to the Baltic States.

Since the signing of the illegal protocols to the Molotov-Ribbentrop nonaggression pact of 1939 that purported to grant Moscow dominion over the Baltic States, the Baltic peoples have struggled bravely for their independence.

For 50 years, the United States has championed this independence rhetorically. But we have balked at providing material aid. In the 101st Congress I introduced legislation to provide $10 million of medical and humanitarian assistance to Lithuania, in response to the Soviet blockade and as a concrete demonstration of support for the Lithuanian people.

After the blockade was lifted I argued that Lithuania had no reserves and that the Soviets could plunge the state into crisis in a moment's notice. That these were not appropriate circumstances for genuine negotiations. More. After a half century of providing nothing but rhetoric to support the Baltic peoples, I thought it was time to provide tangible assistance.

I believe that even more strongly now. Perhaps tangible support would have helped to deter the recent crackdown in the Baltic States. To be sure, I welcome the Bush administration's belated decision to transport donated medical assistance to the Baltic States. But this is not enough. The Congress must adopt legislation to provide the Baltic States with humanitarian assistance purchased with U.S. funds.

Mr. President, I introduce this legislation today for myself, Senator BROWN, and 17 of our colleagues. I encourage others to join us in this effort, and ask unanimous consent that the text of this measure be printed in the RECORD at this time.●

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

S. 816

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That chapter 9 of part I of the Foreign Assistance Act of 1961 (relating to international disaster assistance) is amended by adding at the end thereof the following new section:

"Sec. 495L. BALTIC HUMANITARIAN RELIEF.—(a) The Congress recognizes that prompt United States assistance is desirable to help alleviate suffering in the Baltic republics which has caused great suffering among the Baltic peoples, especially with regard to a severe shortage of medical supplies and the basic necessities of life.

"(b)(1) The Administrator of the Agency for International Development shall—

"(A) furnish, in accordance with the authorities of this chapter, humanitarian assistance for the relief of the Estonian, Latvian, and Lithuanian people;

"(B) solicit private sector donations of humanitarian assistance for Estonia, Latvia, and Lithuania; and

"(C) cooperate with private relief agencies attempting to provide such humanitarian aid.

"(2) The Commander-in-Chief of the United States Transportation Command is authorized to provide all airlift and sealift necessary to transport United States public and private donations of medical supplies to the Baltic peoples on a regular basis.

"(c)(1) In addition to funds authorized to be appropriated to carry out this chapter, there are authorized to be appropriated to the President $20,000,000 to carry out subsections (b)(1) and (b)(2).

"(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

"(3) The authority contained in the Foreign Assistance Act of 1961 to transfer funds between accounts shall not apply with respect to funds appropriated pursuant to paragraph (1).

"(d) Assistance may be provided under this section notwithstanding any other provision of law other than laws referred to in section 503(b) of the Support for East European Democracy (SEED) Act of 1989.

"(e) The Congress urges the President to begin negotiations with the nations surrounding Estonia, Latvia, and Lithuania, including the Union of Soviet Socialist Republics and Poland, regarding the importation of humanitarian assistance. Pending conclusion of these negotiations, the Administrator of the United States Agency for International Development shall furnish the necessary humanitarian assistance through the International Red Cross, the Estonian, Latvian, and Lithuanian Red Cross, CARITAS, and other relief agencies, to ensure the Baltic peoples begin to receive humanitarian assistance immediately.

"(f) For purposes of this section, the term 'humanitarian assistance' includes—

"(1) oil, gas, and fuel for emergency vehicles and medical facilities;

"(2) water purification supplies, materials for immunization, and other materials needed to prevent the outbreak of contagious diseases and to safeguard public health;

"(3) medical supplies; and

"(4) food and clothing.".●

● Mr. BROWN. Mr. President, today I join with my colleague from New York, Senator MOYNIHAN, to introduce the Baltic humanitarian relief bill of 1991. Almost 1 year ago, the Soviets imposed a suffocating economic blockade upon the men and women of Lithuania. These brave people had declared their independence from the Soviet empire on March 11, 1990, and though they did not realize it, they faced almost 3 months without even the basic necessities.

Since then, although the blockade of Lithuania has been lifted, the hardship experienced there has grown to include the other Baltic States of Latvia and Estonia as well. As each of these brave nations has made clear its resolve to regain its freedom, Soviet attempts to coerce them to change their course have increased in number and intensity. For instance, the number of Russian troops and tanks garrisoned in the Baltic Republics has skyrocketed within the last year. Although actual numbers are difficult to obtain, senior members of the legislative bodies of all three republics report substantial increases in the number of Soviet troops.

Food, in short supply throughout the Soviet Union, has been used by President Gorbachev as a weapon against these three tiny nations during the past winter. As the West shipped grain and other foodstuffs to aid those suffering through the tough winter, Gorbachev permitted none of it to reach the Baltic States unless they agreed to become members of the new Soviet empire.

The threat of increased Soviet repression has never loomed more ominously over the head of the Baltic Republics than now. Days ago, President Gorbachev proposed a series of anticrisis measures which include, according to an April 10 article in the Washington Post, "* * * a tougher Kremlin stance toward rebellious Soviet republics and a moratorium on political demonstrations * * *."

This bill, which we are introducing today, is designed to act as a tangible sign of the support of the people of the United States for the freedom-loving men and women of the Baltic Republics. Just a few short weeks ago, Americans fought to liberate another tiny nation oppressed by its bellicose neighbor. We cannot now overlook the tragedy underway in the Soviet Union.

The administration's earlier decision to transport donated humanitarian supplies is a step in the right direction—and I applaud the administration for taking this action. However, as the noose around the neck of these three Baltic nations tightens, clear signals of the intent of the American people to stand behind them are essential.

The bill we have introduced today authorizes $20 million from U.S. Agency for International Development funds to provide medical and humanitarian supplies to the people of Lithuania, Latvia, and Estonia. Longstanding United States policy does not recognize the incorporation of these three countries into the Soviet Union. Consequently, this bill includes a provision urging the President to begin negotiations with Poland and the U.S.S.R. to allow direct importation of humanitarian assistance to the Baltics. Until the negotiations are complete, the Administrator of USAID is authorized to furnish the supplies to the Baltics through recognized relief agencies operating there.

These steps, although few in number, are designed to be large in effect by sending a clear signal of the support of the American people for the courageous men and women of the Baltic Republics. I urge my colleagues to join Senator MOYNIHAN and me in providing humanitarian assistance to the Baltics—and in making evident to the world that Americans stand with the brave men and women to whom freedom is the most precious gift of all.●

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By Mr. GARN (for himself, Mr. D'AMATO, Mr. GORE, Mr. GRASSLEY, Mr. JEFFORDS, Mr. PELL, Mr. SASSER, Mr. SIMON, and Mr. WARNER):

S.J. Res. 114. Joint resolution to designate May 1991 as "Neurofibromatosis Awareness Month"; to the Committee on the Judiciary.

NEUROFIBROMATOSIS AWARENESS MONTH

● Mr. GARN. Mr. President, I rise today to draw attention to a genetic disorder that very few people are aware of, but which afflicts at least 100,000 U.S. citizens, 1.5 million people worldwide, and which 1 in every 4,000 children are born with. The disorder is neurofibromatosis, or NF, and it affects all races and ethnic groups, and both sexes. It is a disorder which can

cause severe disfigurement, loss of limbs, blindness, deafness, skeletal defects, malignancies, and learning disabilities. There is no cure.

Today, I am introducing a joint resolution to designate the month of May 1991 as "Neurofibromatosis Awareness Month." I ask my colleagues to join with me in drawing national attention to this potentially disfiguring and often progressive disorder.

NF is a neurological condition which can cause tumors to grow on nerves anywhere on or in the body at any time. It affects people of all races and both sexes with varying manifestation and degree of severity. While research indicates that NF can be inherited, 50 percent of the people with NF have no family history of the disorder. Additionally, NF leads to learning disabilities. In fact, learning disabilities occur five to six times more often in NF patients than in the general population. However, recent advances in medical research bring hope to this potentially devastating disorder.

These advances in genetic research began with the discovery last summer of the gene which causes NF. Subsequently, researchers discovered the gene product and the gene function. These discoveries are very exciting and put NF research ahead 5 years. What these discoveries also do, which is of major significance, is link the NF-causing gene to the gene which causes cancer. The NF gene product is similar to that of the cancer-causing gene in that it interacts with the cell function in a similar manner. These advances in genetic research hold much hope for a future treatment and, in time, hopefully a cure for NF, as well as many forms of cancer. In fact, just 1 month ago, using what has been learned from the discovery of the NF gene, scientists discovered a gene causing colon cancer. The implications are far reaching. The future is very bright.

The Neurofibromatosis Foundation has worked extremely hard over the years to bring this disorder to the attention of the general public and to seek support for further research and further education. We can help the NF Foundation in its unwavering efforts by designating May 1991 as "Neurofibromatosis Awareness Month."

I know all of you share my deep concern for the thousands of individuals afflicted with this disorder and their families. They face a continuous struggle with not knowing what lies ahead, not knowing what course the disorder will take. I hope you will join with me in recognizing these people and also in celebrating and commemorating these remarkable breakthroughs in research and their profound significance to all of us.●

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By Mr. MOYNIHAN:

S.J. Res. 115. Joint resolution to designate the week of June 10, 1991, through June 16, 1991, as "Pediatric AIDS Awareness Week"; to the Committee on the Judiciary.

PEDIATRIC AIDS AWARENESS WEEK

Mr. MOYNIHAN. Mr. President, I rise today to introduce a Senate joint resolution which when passed would designate the week of June 10 through June 16, 1991, "Pediatric AIDS Awareness Week." My colleague in the House of Representatives, Congressman JOSÉ SERRANO recently introduced identical legislation in that Chamber. Together we hope to provide the country with a week in which our thoughts and actions might turn to children who have AIDS.

We are now into the second decade of this epidemic. While the past decade has taught us much about the disease it has not given us a cure. AIDS is now a generational disease. Passed from mother to child. The virus is passed in utero or during delivery from mother to child. As mothers become infected and eventually sicken and die, many children are left orphans in the care of a foster care system already incapable of managing burgeoning caseloads in many of our urban areas.

Pediatric AIDS is particularly prevalent among minorities who have little access to appropriate health care. Approximately 70 percent of total cases reported are black or Hispanic. Without appropriate early intervention, prevention, and education little can be done to stop the further spread of AIDS. Widespread intravenous drug use continues to spread AIDS to mothers who then imperil their own children.

But as children so often demonstrate, they have a particular resilience to adversity. They offer hope not just for themselves but also for us. We know well the courageous battle Ryan White waged until his death last year. He taught us much about death but also about living. In his short life he learned about intolerance but also about compassion. Faced with dying he attacked life with a vengeance getting out of it every bit he could. He was fortunate in many ways. There are children much less so than he. But his battle was not just for himself it was for all people, particularly I think for children, who have AIDS.

I had a letter recently from a mother in Brooklyn, Mrs. Carol DiPaolo, who wrote to me of her 11-year-old son Joey. Joey has AIDS. He was infected by a transfusion of blood during heart surgery when he was 4 years old. His story is very similar to Ryan White's. Joey has chosen to turn adversity into opportunity. Confronting his school, friends, and community he has educated them about AIDS. Joey's mother and father know the pain only parents can know, but together the DiPaolo's have done more for their community than any of us could ever hope to do. They know the extreme limitations of medical research and of our health care system in its efforts to combat the spread of the epidemic. In her letter to me she says, "Children are dying and families are disintegrating."

Together with the DiPaolo's, the Sunburst National AIDS project which is coordinating this effort, and children from all over the country who have AIDS we will rally the cause of pediatric AIDS awareness the week of June 10, 1991. I hope my colleagues will join me in moving this resolution swiftly so that we might add the full support of Congress to this effort. Our resolution is for children with AIDS and for their families and for all those whose energies are devoted to their well-being.

I would ask unanimous consent that following this statement the text of the joint resolution, a letter from Mrs. DiPaolo to me and an article from Newsday dated October 14, 1990, be printed as if read.

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

S.J. RES. 115

Whereas over 157,525 people in the United States have been diagnosed with acquired immunodeficiency syndrome (commonly known as AIDS), and 98,530 people have died from such disease;

Whereas the Public Health Service projects that there will be 365,000 AIDS cases by the end of 1992 and estimates between 1,000,000 and 1,500,000 Americans are infected with the human immunodeficiency virus (commonly known as HIV) which causes AIDS;

Whereas there is an increase in the proportion of AIDS patients who are female and an increasing number of children infected perinatally with AIDS;

Whereas pediatric AIDS refers to AIDS patients under 13 years of age at the time of being diagnosed with the disease;

Whereas the Centers for Disease Control have reported 2,734 cases of pediatric AIDS resulting in 1,423 deaths as of November 1990;

Whereas HIV-infected women can transmit the virus to their infants during pregnancy or at birth;

Whereas schools across the Nation continue to discriminate against AIDS and HIV-infected children and their families;

Whereas it is essential that early intervention and educational resources be made available to all citizens, especially adolescents, female drug abusers, and other high-risk groups to increase awareness of AIDS and the risks associated with engaging in unprotected sexual activity; and

Whereas the Health Care Financing Administration and the Public Health Service should work with appropriate State officials to help design services for children with AIDS or HIV infection: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the week of June 10, 1991, through June 16, 1991, is designated as "Pediatric AIDS Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

BROOKLYN, NY,
*October 26, 1990.*

U.S. Senator DANIEL P. MOYNIHAN,
*New York, NY.*

DEAR SENATOR MOYNIHAN:

I am the mother of two children ages eight and eleven. Our eleven year old son does not have a promising future. The reason is AIDS.

Joey had open heart surgery at the age of four, May 23, 1984, when he was exposed to the virus during a transfusion. As a family we have turned this negative situation into a positive one. Joey very bravely revealed to his schoolmates, teachers, and the community about his diagnosis. This led to progressive education in our community.

As a parent, I can tell you firsthand what it is like to have a child with AIDS. We must contend with fear, isolation and discrimination from the general public. Pediatric AIDS research leaves much to be desired. We are offered patch-work services and at times not even being informed properly by medical personnel as to how to work the system. Children are dying and families are disintegrating. New York is one of the sixteen crisis cities.

There are two reasons for my letter to you. The first reason is the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (S.2240). The amount of the appropriated funds was drastically reduced to $190 million. I am also concerned about the delivery of the funds. I am aware that Title XXVI—Emergency Relief grants to areas with substantial need for services will depend on the CDC report for that area. Unfortunately women and children have tremendous needs before they are classified as AIDS. Some of which are taxing our health care system even before being diagnosed. Also what will happen to the lesser number of cases in rural areas? What is or has been your position on this matter?

My second reason for writing is about the First National Pediatric AIDS Awareness Day which will be held in Lafayette Square in D.C. on June 11, 1991. I am the visionary and director for this event working with an organization called Sunburst National AIDS Project. Many numerous families have agreed to bring their infected children to D.C. on that day. It will be a day of unity, a day where all who are concerned about our nation's children, who are infected, can join us and support us. We have families from every state including Hawaii.

Senator Moynihan we need your approval and support. Please step out with us and show the nation that we want our children to have promising futures. We want our children to be respected as productive citizens. We want our children to live. We need our nation to first be aware of the rising numbers of children and teens which are becoming infected. Then we need our nation to work in unity to bring about changes both medically and socially. Will you help us? Will you be our advocate? Please let me know your position on Pediatric AIDS.

Sincerely,

CAROL DIPAOLO,
*Director/Parent Representative*

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OPENING DOORS AND HEARTS—AIDS BOY STANDS TALL AS A SYMBOL

(By Catherine Woodard)

Joey DiPaolo disappeared as he stepped up into the pulpit in the Cathedral of St. John the Divine to talk about AIDS last month. All the congregation could see were glimpses of the crown of the 11-year-old's head.

"I'm here today because I want to talk to you about me and the AIDS virus," Joey said, reading carefully from the speech he had dictated to his mother. "Just because I have the AIDS virus doesn't mean that I can't run, ride a skateboard, ride a bike or play baseball or football.

"I also have lots of friends who don't have the AIDS virus. We do tons of things together," he continued in a singsong cadence. "They are not afraid of me and that makes me feel really good."

Joey is feeling really good about his decision four weeks ago to tell his school and his Brooklyn neighborhood about his infection with the human immunodeficiency virus that causes AIDS.

About a dozen parents asked the principal of Roy H. Mann Junior High School to transfer their children from Joey's classes. One child transferred to private school when the principal refused. But a rumored boycott and demonstration never materialized, and most of the reaction to Joey's disclosure has been supportive. One classmate even collected more than 100 signatures from children and parents who backed Joey's decision.

Joey's parents, Jim and Carol DiPaolo, are thankful. They weren't sure what to expect when Joey's picture appeared on the front page of New York Newsday and soon thereafter on local and national television. Just five years ago, nearly 10,000 children were yanked out of Queens schools in District 27 and District 29 to protest the enrollment of an unidentified second-grader with AIDS.

Just five years ago, Ryan White, an Indiana teenager with AIDS was told by the school board that he would have to take classes at home with a private tutor.

White, who died last spring, had to sue to get back into the classroom.

But Joey, pint-sized and energetic, grew tired of living a secret. He became infected after he received a contaminated blood transfusion during heart surgery in 1984, but doctors treating him for a variety of infections did not think to test him for HIV until four years later. Joey and his parents had kept his infection a secret until last month. They decided that disclosure would be the best way to combat the stigma associated with AIDS.

To the DiPaolos' relief, Joey's adjustment to junior high school in District 22 has been surprisingly uneventful. The district superintendent, John Comer, and Joey's principal, Patrick Timpone, have declined to comment. But health and education officials say they are hopeful that Joey's experience is a signal that the public is becoming more knowledgeable about AIDS.

"The general public knowledge is significantly higher," said city Health Commissioner Woodrow A. Myers, Jr., who was Indiana's health commissioner during the Ryan White controversy. "There are still people who believe the wrong things about how it's spread, but most people know the right ways in which it is spread."

But equally critical, he said, was a united front by school officials to treat Joey no differently than other students. Five years ago in Indiana and in Queens, health officials fought to convince school boards as well as irate parents that a child with AIDS is not a hazard in the classroom. In both cases, that assessment was unsuccessfully challenged in the courts.

"There were people who wanted very much to react as they did five years ago, but it was nipped in the bud," Myers said. "One thing you've got now is public officials who recognize that this is not an issue on which we can compromise. The data is very strong. It's not spread in school settings."

Joey's position of honor in the processional at St. John the Divine last month seemed a triumphant march. He was one of six youths who spoke at a children's service at an international children's summit convened across town at the United Nations.

Joey flashed a grin at his parents as he passed by in black jeans and gleaming new black and white sneakers. He fanned away a lingering cloud of incense and took his seat beside the Very Rev. James Parks Morton. He checked to see that his speech was still securely in his shirt pocket and shoved his hands into his pants pockets to wait through the Episcopal liturgy.

When his turn came, his message was short and to the point.

"The first thing you should all know is you can get AIDS from sexual contact, sharing needles and from blood transfusions," he said. "You can't get AIDS from kissing, touching, sweating, coughing or sneezing. You can't get it from using the same bathroom, eating out of the same dish or using the same utensils."

Some of the parents of his classmates weren't convinced of that when they asked that their children be transferred from Joey's classes. Two families even received erroneous information from pediatricians that the virus is spread in feces, including a warning that their children should not use the same bathroom as Joey.

But all but one of the 12 students whose parents requested transfers are still in the classroom with Joey.

Julianna Granton, whose daughter Kristie is in several classes with Joey, still believes that the request for a transfer should have been honored. But she is satisfied with the principal's efforts to have health personnel available to answer questions.

"I know people myself that have AIDS," she said. "It's when it is around your children you feel different. You feel as an adult that you have more control."

She agrees with school and health officials that just a few years ago a large number of parents might have been up in arms.

"It's totally different now," she said. "You hear so much more about AIDS. Now it's so much closer to us. It is hitting home base now. It is hitting our children."

Joey and his parents are determined to do what they can to further the public's awareness of AIDS. They've converted their basement to an office to organize a National Pediatric AIDS Awareness Day, scheduled for June 11 in Washington. The nonprofit Sunburst National AIDS Project is financing the organization of the project.

"Discrimination is still in epidemic proportions," Carol DiPaolo said, "People have to understand that it could be the child next door."

The surprising ease of Joey's disclosure "is just like one little needle standing up in a big haystack," DiPaolo said. She has heard too many horror stories the last two summers from other people attending a camp for children with AIDS and their families—stories of ostracism, stories about families being evicted from their apartments, stories of families afraid to tell even close relatives.

The DiPaolos have had no shortage recently of stages from which to deliver their message. Joey has been a regular on national talk shows, and for the most part he seems to relish the attention, although he admits that he gets tired of being asked if he is afraid of dying. For that question he has a standard response: "If you think about dying then you're going to die, and if you think about living then you're going to live."

He isn't shy about taking advantage of the limelight. He requested stretch limousines to ferry him to television appearances after "Good Morning America" dispatched only a black sedan.

But even Joey seemed annoyed the morning two television crews and a swarm of reporters and photographers showed up to walk with him to school. There was a rumor that morning that parents might be picketing the school in protest.

"If they are out there when I come out this afternoon, I'm not going to talk to them and maybe they will go away," he told his friend Alan Bass as they hitched on their backpacks and started toward school. The cameras quickly attracted a crowd of curious children.

Joey's cousin, Richie Carbone, a film student who was videotaping Joey, thrust the camera toward some eighth-graders and started firing questions.

"Anybody here care if a kid with AIDS is in your class?" Richie asked. No one did, although a few said the school should teach more about AIDS.

Joey stood at the side grinning at his anonymity in the middle of the circus. The older students didn't realize he was the student in question.

There is no reason they should have been able to guess. At 4-foot-4 and less than 60 pounds, Joey is smaller than many of his classmates. But there are few signs that he battles a life-threatening illness.

He is being treated at the National Institutes of Health in Bethesda, Md., with the experimental drug dideoxyinosine, DDI, which slows the spread of the AIDS virus. Recently he has developed a painful yeast infection in his esophagus, one of the opportunistic infections that define full-blown AIDS. But doctors aren't sure yet whether the infection is a sign of further deterioration of his immune system or whether it is related to antibiotics he takes because his spleen was removed in 1987.

Joey lets his mom worry about medical strategies and concentrates on more pressing concerns like improving his skateboard technique.

"I want to thank my father, my mother and my sister Lauren for letting me live like a normal kid," he said closing his speech at St. John the Divine.

The big bonus of the speech was backstage tickets for the afternoon Rally for Children in Central Park. Joey was counting on the ticket to get him close to the Teenage Mutant Ninja Turtles who dropped by as promised from their concert at Radio City Music Hall.

Joey and Brandon Negron, a Staten Island 11-year-old who spoke about racism at St. John the Divine, wiggled through the crowd at the back steps of the stage, only to be stopped at a temporary gate by a stern-looking woman holding a clipboard.

The boys leaned on the temporary fence and screamed to get the attention of the large reptiles, Raphael and Michaelangelo. "Yo, turtle," Brandon yelled. "Yo, get a hearing aid."

"What good are these passes?" Joey pleaded in frustration as the turtles began to walk away.

An adult intervened. The boys were permitted past the barrier. They raced desperately in the direction where the turtles had departed, but to no avail. Later in the afternoon, two turtles would return and Joey would take the coveted photograph. But at that moment his prospects looked pretty bleak.

Joey slammed the camera back to his father in frustration and sulked by a picnic table. "I'm just bored and I want to go home," he announced.

His parents weren't ready to leave. They had packed a huge stack of yellow fliers about National Pediatric AIDS Awareness Day to hand out to the crowd. And Carol DiPaolo was waiting to buttonhole Mayor David N. Dinkins. He had sent Joey an award for bravery and might be sympathetic to producing a proclamation for the AIDS Awareness Day.

Finally the mayor's motorcade pulled up to the back gate. Carol pressed Joey into the crowd. "This is Joey DiPaolo, the little boy from Brooklyn with the AIDS virus," she said.

"Oh, Joey, you're a brave little boy," Dinkins said. "Do you have a hug for me?"

Joey did as asked and politely turned away to scout the backstage. There was a chance the turtles might reappear.

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By Mr. ROTH (for himself, Mr. GORE, Mr. CHAFEE, Mr. KASTEN, Mr. KOHL, Mr. KERRY, Mr. CONRAD, Mr. PELL, Mr. ADAMS, Mr. SANFORD, Mr. BIDEN, Mr. DODD, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. WARNER, Mr. BENTSEN, Mr. LAUTENBERG, Mrs. KASSEBAUM, Mr. BURDICK, Mr. ROCKEFELLER, Mr. D'AMATO, Mr. JEFFORDS, Mr. CRANSTON, Mr. DECONCINI, Mr. FOWLER, Mr. SHELBY, Mr. HOLLINGS, Mr. SASSER, Mr. GORTON, Mr. SEYMOUR, Mr. DOMENICI, Mr. KENNEDY, Mr. REID, Mr. SARBANES, Mr. LEVIN, Mr. NUNN, Mr. WELLSTONE, Ms. MIKULSKI, Mr. COCHRAN, Mr. BINGAMAN, Mr. INOUYE, Mr. BUMPERS, Mr. COHEN, Mr. MITCHELL, Mr. SPECTER, Mr. PACKWOOD, Mr. DANFORTH, Mr. PRESSLER, Mr. BOND, Mr. BAUCUS, Mr. HATCH, and Mr. GRAHAM):

S.J. Res. 116. A joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment; to the Committee on the Judiciary.

EARTH DAY

Mr. ROTH. Mr. President, I rise today along with Senator GORE and 52 cosponsors to introduce legislation that designates this April 22 as Earth Day.

The purpose of this resolution is to promote the preservation of our global environment—perhaps the single most important responsibility we have as steward of this Earth. A similar joint resolution (H.J. Res. 144) has been introduced in the House of Representatives by Mr. DAVID OBEY.

The reason for this legislation is clear: to create an environmental awareness among our friends, families and neighbors—an awareness that is necessary if we are to meet the challenges that threaten our precious natural resources. It is heartening, the tremendous ground swell of support that we have seen recently in our schools and communities concerning the environment, and our responsibility to care for it, but this new awakening is only a beginning. It must spread not only across our land, but throughout the world.

This resolution represents another important step toward promoting an environmental ethic that will last more than a day—more than a season—but for generations to come. Only when conservation becomes second nature and everyone participates in protecting the wind, water, plants, and animals that make up our fragile biosphere can we be satisfied. Only when Earth Day is everyday, can we rest assured that enough has been done.

But until then, I urge all of my colleagues to join with Senator GORE and me to designate April 22 as Earth Day for 1991. Because education is so vital to the creation of an environmental ethic, the designation of this special day will give our schools, colleges, and communities a cause to focus on the environment and teach our children how they can play a vital role in its preservation.

I hope that our educators and leaders will center activities and lessons around this day, even designate a week to promoting awareness and conservation. This is how we will take the successes we have seen in the last few years and stretch them into a lifetime. This is how we will raise a generation of Americans who learn to serve the environment as well as the environment serves them.

Mr. President, at this time I would also like to commend my close friend and former colleague, Senator Gaylord Nelson, on his success in making the environment a major focus in our political process. The success he has realized is one of the most heartening examples of the democratic process. It truly started as a grassroots effort back when the first Earth Day was celebrated in 1970. Because of his efforts, when it comes to protecting the environment, today we are beyond the bandwagon and into a parade.

I urge my colleagues to join me in sponsoring this legislation, and I ask unanimous consent that a copy of the legislation be placed in the RECORD.

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

S.J. RES. 116

Whereas the world faces an international crisis which demands the attention of citizens of every nation of the world, including the United States, so that alliances can be built that transcend the boundaries dividing countries, continents, and cultures;

Whereas there is a need to confront environmental problems of increasing severity, including climate change, depletion of the stratospheric ozone layer, loss of forests, wetlands, and other wildlife habitats, acid rain, air pollution, ocean pollution, and hazardous and solid waste buildup;

Whereas it is important that the next generation be guided by a conservation ethic in all of its relations with nature;

Whereas education and understanding is necessary for individuals to recognize the environmental impact of daily living and to become environmentally responsible consumers by conserving energy, increasing recycling efforts, and promoting environmental responsibility in communities;

Whereas major public policy initiatives are necessary to cure the causes of environmental degradation, such as eliminating the manufacture and use of chlorofluorocarbons, minimizing and recycling solid wastes, improving energy efficiency, protecting biodiversity, promoting reforestation, and initiating sustainable development throughout the world;

Whereas nearly 21 years ago, millions of individuals in the United States joined together on Earth Day to express an unprecedented concern for the environment, and such collective action resulted in the passage of sweeping laws to protect the air, water, and land;

Whereas the 1990's should be observed as the "International Environmental Decade" in order to forge an international alliance in response to global environmental problems; and

Whereas to inaugurate the new environmental decade, individuals should again stand together in cities, towns, and villages around the world for a day of collective action to declare a shared resolve: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* that April 22, 1991 is designated as "Earth Day", and the people of the United States are called upon to observe the day with appropriate ceremonies and activities in our grade schools, high schools, colleges and local communities with the objective of making every day Earth Day.

Mr. DOMENICI. Mr. President, last April, I joined many of my esteemed colleagues in the Senate and the House in cosponsoring the resolution celebrating the 20th anniversary of Earth Day. I am pleased to have the opportunity to continue my support of this environmental awareness initiative by cosponsoring the Earth Day 1991 joint resolution.

Many Americans take for granted the clean air we breathe, the fresh water we drink, and the bountiful natural resources we enjoy in this Nation's many forests, parks, and public lands. But, these very resources were in serious jeopardy only two decades past when, as a Nation, we were teetering on the brink of environmental catastrophe. The people of this Nation and the Congress responded to the crisis at hand and mobilized to effect laws which would protect and enhance our natural resources. In the 21 years since the first Earth Day was celebrated, the Congress has passed more than 30 major environmental initiatives aimed at protecting the environment.

Much work remains to be done. In the 102d Congress, we will address issues of national significance including the long-awaited development of a National Energy Policy, global warming, clean water, Resource Conservation and Recovery Act, wilderness designation, and multiple uses of our public lands. I am committed to ensuring that this Nation continues to protect its natural resources while allowing the orderly development and wise use of those resources in a complimentary manner.

It is because of this commitment that I have been involved in setting aside almost 1 million acres in New Mexico as wilderness, in designating the El Malpais National Historical Monument in Grants and Chaco Culture Natural Historical Park in McKinley County, and in protecting several of New Mexico's waterways as wild and scenic rivers. Last year, I introduced legislation in the Senate, which subsequently became law, to create the Petroglyph National Monument in Albuquerque, as well as the creation of the National Forest Foundation Act.

It is my hope that the environmental awareness this Nation has adopted in the last two decades will continue as our legacy to future generations. The annual recognition of Earth Day is certainly an appropriate time for New Mexico, the Nation, and the International Community to take time out to reflect on how far we've come on environmental issues and assess how far we've yet to go. Although we may not be where we want to be yet, we're a lot further along than we were before the first Earth Day in 1970.

Mr. COHEN. Mr. President, I am very pleased to be joining Senators ROTH, GORE, and others in cosponsoring a joint resolution to designate April 22, 1991 as "Earth Day." I would like to take this opportunity to commend Senators ROTH and GORE for their dedication to our environment and their leadership on an issue that affects us all.

I am cosponsoring this resolution because I believe the health of our environment is vital to our ability to continue as a creative and flourishing society. Earth Day is an important symbol of the global efforts to address environmental concerns. As you are well aware, last year was the first Earth Day in 20 years. The worldwide enthusiasm and support that it generated clearly demonstrates that Earth Day is an event worthy of yearly celebration.

Earth Day is a celebration of one of the noblest causes in the history of the world, the preservation of life on the planet. Today, we face a global environmental crisis that demands our attention. Depletion of the stratospheric ozone layer, deforestation, loss of wetlands, and other wildlife habitats, and the pollution that laces our oceans and surrounds our cities are but a few of the many crises confronting us. A yearly celebration of Earth Day would do much to remind us all of our immense responsibility to pass along a world in which we can all live healthy and enjoyable lives.

After the first Earth Day in 1970, Congress passed two of the most important environmental laws in this Nation's history: the Clean Air Act and the Clean Water Act. Much progress has been made as a result of such laws but clearly more needs to be done. I believe that the heightened awareness of environmental concerns that Earth Day brings also brings us closer to confronting and solving our environmental problems.

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By Mr. LAUTENBERG (for himself, Mr. DASCHLE, Mr. SARBANES, Mr. LEVIN, Mr. BRADLEY, Mr. HOLLINGS, Mr. SASSER, Mr. DIXON, Mr. BUMPERS, Mr. HEFLIN, Mr. CRANSTON, Mr. MITCHELL, Mr. EXON, Mr. SIMON, Mr. NUNN, Mr. GORE, Mr. LIEBERMAN, Mr. RIEGLE, Mr. BOREN, Mr. MOYNIHAN, Mr. PELL, Mr. SANFORD, Mr. STEVENS, Mr. WARNER, Mr. D'AMATO, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. GARN, Mr. DOLE, Mr. SEYMOUR, Mr. COCHRAN, Mr. MURKOWSKI, Mr. THURMOND, Mr. HATCH, Mr. MACK, and Mr. AKAKA):

S.J. Res. 117. Joint resolution to designate December 7, 1991, as National Pearl Harbor Remembrance Day on the occasion of the anniversary of the attack on Pearl Harbor; to the Committee on the Judiciary.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

• Mr. LAUTENBERG. Mr. President, today I rise to introduce a resolution designating December 7, 1991, as National Pearl Harbor Remembrance Day. This will mark the 50th anniversary of the attack on Pearl Harbor.

On December 7, 1941, the United States was victim to an unprovoked attack by the Japanese Imperial Navy and Air Force. Although negotiations were being held in Washington by Japanese and American diplomats, the Japanese deliberately and secretly planned the attack for that Sunday morning. No war warning was issued and the Pacific Fleet never suspected that an attack force was en route.

On the "date that will live in infamy," Pearl Harbor was surrounded by a dense cloud cover. Suddenly, about 360 Japanese planes broke through the clouds and raided the island. The Japanese bombarded American military installations and Army aircraft located at Hickam and Wheeler Fields. Then the Japanese units attacked the battleships moored at Ford Island.

Concentrating mainly on planes and ships, the Japanese did little damage to the submarine base and repair facilities. Fortunately, all of the American aircraft carriers stationed at Pearl Harbor were on missions away from the base. However, the Pacific Fleet lost eight battleships, three light cruisers,

three destroyers, and four vessels within 2 hours.

The American military bravely fought back to defend their base. Heroism was displayed by the sailors, the soldiers, the flyers, and the gunners as they manned their stations under the most severe conditions. However, all of the service people were caught off guard; many were even sleeping. The resistance of the Americans was not strong enough to fight off the large and prepared Japanese attacking force.

When the surprise and unprovoked attack ended, the Japanese left 2,403 Americans dead and 1,178 wounded. Innocent civilian lives accounted for some of the lost. Additionally, the attack crippled American air defense and undermined our position in the Pacific.

That Sunday morning, more than Hawaii was attacked; our Nation's isolationism was broken. This was the first time in U.S. history that we had been attacked first. Americans were indignant and wanted to avenge the lives that the Japanese had taken. The country became unified and stood behind the President as he signed a declaration of war at 4:10 p.m., Monday, December 8, 1941.

The service people and civilians who were there during the attack deserve a day of remembrance. This resolution requests the President to issue a proclamation asking the people of the United States to observe this solemn occasion with appropriate ceremonies, and to remain eternally vigilant in protecting our Nation from future aggression.

As "Remember Pearl Harbor" was the rallying cry during World War II, we must remember all of those who lost their lives during the tragedy, and commit ourselves to never being caught unprepared again.

I want to commend all the New Jersey members of the Pearl Harbor Survivors Association for their active and strong support of this resolution. The 10,000 member national organization is fortunate to have Lee Goldfarb as its vice commander. Mr. Goldfarb has spent many years assuring that Pearl Harbor will not be forgotten. I thank him and his association for not letting anyone forget the events that occurred for 2 hours at Pearl Harbor 50 years ago.

I ask unanimous consent that a copy of the joint resolution be printed in the CONGRESSIONAL RECORD, and I urge my colleagues to support this joint resolution.

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

S.J. RES. 117

Whereas on the morning of December 7, 1941, the Imperial Japanese Navy and Air Force launched an unprovoked surprise attack upon units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas over two thousand four hundred citizens of the United States were killed in action and one thousand one hundred and seventy-eight were wounded in this attack;

Whereas President Franklin Delano Roosevelt referred to the date of the attack as "a date that will live in infamy";

Whereas the attack on Pearl Harbor marked the entry of this Nation into World War II;

Whereas the people of the United States owe a tremendous debt of gratitude to all members of our Armed Forces who served at Pearl Harbor, in the Pacific Theater of World War II, and in all other theaters of action of that war; and

Whereas December 7, 1991, will mark the fiftieth anniversary of the unprovoked attack:

Whereas the veterans of World War II and all other people of the United States will commemorate December 7, 1991, in remembrance of this tragic attack on Pearl Harbor: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That December 7, 1991, the anniversary of the attack on Pearl Harbor, is designated as "National Pearl Harbor Remembrance Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States—

(1) to observe this solemn occasion with appropriate ceremonies and activities; and

(2) to pledge eternal vigilance and strong resolve to defend this Nation and its allies from all future aggression.●

## ADDITIONAL COSPONSORS

S. 15

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 21

At the request of Mr. CRANSTON, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 21, a bill to provide for the protection of the public lands in the California desert.

S. 68

At the request of Mr. THURMOND, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 68, a bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropractic officers in the Armed Forces.

S. 127

At the request of Mr. CRANSTON, the name of the Senator from Washington [Mr. ADAMS] 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. 140

At the request of Mr. WIRTH, the names of the Senator from Nebraska [Mr. KERREY], the Senator from Virginia [Mr. WARNER], the Senator from Oregon [Mr. HATFIELD], the Senator from North Carolina [Mr. SANFORD], the Senator from Idaho [Mr. CRAIG], the Senator from California [Mr. CRANSTON], the Senator from Wyoming [Mr. SIMPSON], the Senator from South Dakota [Mr. PRESSLER], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 152

At the request of Mr. COATS, the names of the Senator from Utah [Mr. GARN] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 152, a bill to amend the Internal Revenue Code of 1986 to increase the personal exemption to $4,000.

S. 168

At the request of Mr. CONRAD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 168, a bill to implement certain recommendations of the Garrison Unit Joint Tribal Advisory Committee regarding the entitlement of the Three Affiliated Tribes and the Rock Sioux Tribe to additional financial compensation for the taking of reservation lands for the site of the Garrison Dam and Reservoir and the Oahe Dam and Reservoir, and for other purposes.

S. 246

At the request of Mr. LOTT, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 246, a bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of members of the National Guard or Reserve units of the Armed Forces will be allowable in computing adjusted gross income.

S. 250

At the request of Mr. FORD, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 256

At the request of Mr. DASCHLE, the name of the Senator from California [Mr. CRANSTON] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 256, a bill to clarify eligibility under chapter 106 of title 10, United States Code, for educational assistance for members of the Selected Reserve.

S. 257

At the request of Mr. METZENBAUM, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor

of S. 257, a bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

S. 267

At the request of Mr. REID, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 267, a bill to prohibit a State from imposing an income tax on the pension or retirement income of individuals who are not residents or domiciliaries of that State.

S. 308

At the request of Mr. MITCHELL, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 308, a bill to amend the Internal Revenue Code of 1986 to permanently extend the low-income housing credit.

S. 339

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 339, a bill to enhance the Federal Government's authority and ability to eliminate violent crime committed by outlaw street and motorcycle gangs.

S. 420

At the request of Mr. SARBANES, the name of the Senator from Maryland [Ms. MIKULSKI] 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. 492

At the request of Mr. SIMON, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 492, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give to such employers and performers the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 493

At the request of Mr. KENNEDY, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants, and children through the provision of comprehensive, primary, and preventive care, and for other purposes.

S. 499

At the request of Mr. LUGAR, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 499, a bill to amend the National School Lunch Act to remove the requirement that schools participating in the School Lunch Program offer students specific types of fluid milk, and for other purposes.

S. 514

At the request of Ms. MIKULSKI, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 514, a bill to amend the Public Health Service Act, the Social Security Act, and other Acts to promote greater equity in the delivery of health care services to women through expanded research on women's issues, improved access to health care services, and the development of disease prevention activities responsive to the needs of women, and for other purposes.

S. 573

At the request of Mr. CRANSTON, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 573, a bill to amend the Foreign Assistance Act of 1961 to condition the availability of security assistance for a foreign country on that country's compliance with fundamental guarantees of international humanitarian law applicable in situations of armed conflict, and for other purposes.

S. 574

At the request of Mr. CRANSTON, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 574, a bill to amend the Civil Rights Act of 1964 to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes.

S. 576

At the request of Mr. DECONCINI, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 576, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide on-site day-care facilities for dependents of their employees.

S. 597

At the request of Mr. DODD, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of 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.

S. 614

At the request of Mr. DASCHLE, the names of the Senator from Nebraska [Mr. EXON], the Senator from Illinois [Mr. SIMON], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 614, a bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes.

S. 619

At the request of Mr. BRADLEY, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 619, a bill to establish a Link-up for Learning Demonstration Grant Program to provide coordinated services to at-risk youth.

S. 623

At the request of Mr. SIMON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 623, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to maintain the current Federal-State funding ratio for the Justice Assistance Grant Program.

S. 651

At the request of Mr. GARN, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 651, a bill to improve the administration of the Federal Deposit Insurance Corporation, and to make technical amendments to the Federal Deposit Insurance Act, the Federal Home Loan Bank Act, and the National Bank Act.

S. 658

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 658, a bill to provide law enforcement scholarships and recruitment incentives.

S. 665

At the request of Mr. THURMOND, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 665, a bill to amend the Tariff Act of 1930 to require that certain revenues attributable to tariffs levied on imports of textile machinery and parts thereof be applied to support research for the modernization of the American textile machinery industry.

S. 720

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 720, a bill to provide financial assistance to eligible local educational agencies to improve urban education, and for other purposes.

S. 775

At the request of Mr. CRANSTON, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 775, 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.

S. 776

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 776, a bill to require that humanitarian assistance to Cambodia be provided through international organizations and private and voluntary organizations and to prohibit assistance to combat forces seeking to overthrow the Government of Cambodia.

S. 781

At the request of Mr. SARBANES, the name of the Senator from Rhode Island

[Mr. CHAFEE] was added as a cosponsor of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 786

At the request of Mr. MOYNIHAN, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 786, a bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Kurdish peoples to alleviate suffering.

SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], the Senator from Connecticut [Mr. DODD], the Senator from Utah [Mr. GARN], the Senator from Hawaii [Mr. INOUYE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senator Joint Resolution 8, a joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week."

SENATE JOINT RESOLUTION 42

At the request of Mr. RIEGLE, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 42, a joint resolution expressing the support of the United States for the independence of Lithuania, Latvia, and Estonia.

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the name of the Senator from Utah [Mr. GARN] 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 69

At the request of Mr. RIEGLE, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 69, a joint resolution to designate the week commencing May 5, 1991, through May 11, 1991, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 70

At the request of Mr. LIEBERMAN, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of Senate Joint Resolution 70, a joint resolution to establish April 15, 1991, as "National Recycling Day."

SENATE JOINT RESOLUTION 78

At the request of Mr. BENTSEN, the names of the Senator from Kentucky [Mr. FORD], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. MCCAIN], the Senator from Virginia [Mr. WARNER], the Senator from Vermont [Mr. JEFFORDS], the Senator from Illinois [Mr. DIXON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Hawaii [Mr. INOUYE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Dakota [Mr. CONRAD], the Senator from Washington [Mr. GORTON], the Senator from Maine [Mr. MITCHELL], the Senator from North Dakota [Mr. BURDICK], the Senator from New York [Mr. MOYNIHAN], the Senator from Oklahoma [Mr. BOREN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Florida [Mr. MACK], the Senator from Alabama [Mr. SHELBY], the Senator from Florida [Mr. GRAHAM], the Senator from Ohio [Mr. GLENN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Illinois [Mr. SIMON], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 78, a joint resolution to designate the month of November 1991 and 1992 as "National Hospice Month."

SENATE JOINT RESOLUTION 85

At the request of Mr. KASTEN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor 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. GARN, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from New York [Mr. D'AMATO], the Senator from Illinois [Mr. DIXON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. HATCH], the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Maine [Mr. MITCHELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 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 JOINT RESOLUTION 91

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 91, a joint resolution expressing the sense of the Congress regarding the political and human rights situation in Kenya.

SENATE JOINT RESOLUTION 92

At the request of Mrs. KASSEBAUM, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Missouri [Mr. DANFORTH], the Senator from California [Mr. SEYMOUR], the Senator from Georgia [Mr. NUNN], the Senator from New York [Mr. MOYNIHAN], the Senator from Hawaii [Mr. AKAKA], the Senator from Ohio [Mr. GLENN], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 92, a joint resolution to designate July 28, 1992, as "Buffalo Soldiers Day."

SENATE JOINT RESOLUTION 102

At the request of Mr. ROCKEFELLER, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Texas [Mr. BENTSEN], the Senator from Idaho [Mr. CRAIG], the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. DECONCINI], the Senator from Wisconsin [Mr. KOHL], the Senator from Virginia [Mr. ROBB], the Senator from North Dakota [Mr. CONRAD], the Senator from Florida [Mr. GRAHAM], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from California [Mr. CRANSTON], the Senator from Tennessee [Mr. SASSER], the Senator from Maine [Mr. MITCHELL], the Senator from Alabama [Mr. HEFLIN], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Arkansas [Mr. PRYOR], the Senator from Florida [Mr. MACK], the Senator from Rhode Island [Mr. PELL], the Senator from Idaho [Mr. SYMMS], the Senator from California [Mr. SEYMOUR], the Senator from Maine [Mr. COHEN], the Senator from Illinois [Mr. DIXON], the Senator from Michigan [Mr. RIEGLE], the Senator from Kansas [Mr. DOLE], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 102, a joint resolution designating the second week in May 1991 as "National Tourism Week."

SENATE JOINT RESOLUTION 105

At the request of Mr. D'AMATO, the names of the Senator from Maryland [Mr. SARBANES], the Senator from South Dakota [Mr. PRESSLER], the Senator from Kansas [Mr. DOLE], the Senator from Florida [Mr. GRAHAM], the Senator from North Dakota [Mr. CONRAD], the Senator from Ohio [Mr. METZENBAUM], the Senator from Iowa [Mr. GRASSLEY], the Senator from Hawaii [Mr. INOUYE], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. SIMON], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr.

LEVIN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from North Dakota [Mr. BURDICK], the Senator from South Dakota [Mr. DASCHLE], the Senator from Rhode Island [Mr. PELL], the Senator from Delaware [Mr. ROTH], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Utah [Mr. GARN], the Senator from Washington [Mr. GORTON], the Senator from Maine [Mr. COHEN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Florida [Mr. MACK], the Senator from South Carolina [Mr. HOLLINGS], the Senator from California [Mr. SEYMOUR], the Senator from Alabama [Mr. HEFLIN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Vermont [Mr. JEFFORDS], the Senator from Massachusetts [Mr. KERRY], the Senator from Tennessee [Mr. GORE], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 105, a joint resolution to designate April 14, 1991, to April 21, 1991, and May 3 to May 10, 1992, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 110

At the request of Mr. MOYNIHAN, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of Senate Joint Resolution 110, a joint resolution expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal U.N. General Assembly Resolution 3379 (XXX).

SENATE JOINT RESOLUTION 112

At the request of Mr. SARBANES, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Joint Resolution 112, a joint resolution to designate the week of April 21, 1991, through April 27, 1991, as "Big Brothers/Big Sisters of America Appreciation Week."

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. MACK, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Rhode Island [Mr. CHAFEE], the Senator from South Carolina [Mr. THURMOND], the Senator from Vermont [Mr. JEFFORDS], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Concurrent Resolution 16, a concurrent resolution urging Arab States to recognize, and end the state of belligerency with, Israel.

SENATE RESOLUTION 41

At the request of Mr. LIEBERMAN, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of Senate Resolution 41, a resolution to establish April 15, 1991, as "National Recycling Day."

SENATE RESOLUTION 93

At the request of Mr. MITCHELL, his name was added as a cosponsor of Senate Resolution 93, a resolution commending the University of Tennessee Women's Basketball Team on their third NCAA title.

## SENATE CONCURRENT RESOLUTION 26—RELATIVE TO ENVIRONMENTAL PROTECTION OF ANTARCTICA

Mr. KERRY (for himself, Mr. LEVIN, Mr. AKAKA, Mr. KENNEDY, Mr. JEFFORDS, Mr. INOUYE, Mr. LIEBERMAN, Mr. HARKIN, Mr. DASCHLE, Mr. PELL, and Mr. GORE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 26

Whereas Antarctica, like the great oceans and the atmosphere, is part of the global commons;

Whereas Antarctica is the Earth's last near-pristine continental wilderness and is, thus, a critical area in the study of global change;

Whereas the exploitation of minerals resources in Antarctica could severely degrade the Antarctic environment and threaten its fragile marine ecosystem;

Whereas the Antarctica Protection Act of 1990 (Public Law 101-594) and Public Law 101-620 call for an indefinite prohibition on all Antarctic minerals activities and for the permanent protection of the Antarctic environment;

Whereas significant progress was made toward achieving these goals at the special consultative meeting of parties to the Antarctic Treaty in November 1990; and

Whereas the upcoming consultative meetings of parties to the Antarctic Treaty provide opportunities for the United States to exercise leadership toward the protection and sound management of Antarctica: Now, therefore be it

*Resolved by the Senate (the House of Representatives concurring)*, That (a) it is the sense of the Congress that Antarctica, as a global ecological commons, should be subject to a new agreement of protocol among the Antarctic Treaty Consultative Parties which would supplement the Antarctic Treaty (signed at Washington on December 1, 1959; 12 UST 795 et seq.) by providing for comprehensive environmental protection of Antarctica and by establishing Antarctica as a region closed, for an indefinite period, to commercial minerals development and related activities, unless a consensus is reached among the parties to the Treaty to modify its terms for such purposes.

(b) Such agreement would also—

(1) conserve and protect permanently the natural environment of Antarctica and its associated and dependent ecosystems;

(2) grant Antarctica special protective status as a world park dedicated to wilderness protection, international cooperation, and scientific research; and

(3) would include other comprehensive measures for the protection of the Antarctic environment.

(c) The prohibition on all minerals activities in Antarctica in such a new agreement would fully support and strengthen the Antarctic Treaty's fundamental objective of keeping Antarctica free of international discord and activities of a military nature.

(d) It is further the sense of the Congress that, at the upcoming special consultative meeting of parties to the Antarctic Treaty, April 22 through 27, 1991, in Madrid, Spain, the President should support efforts to conclude the international agreement described in subsection (a).

• Mr. KERRY. Mr. President, Antarctica plays an important and unique role in our global ecosystem and it must be protected. I rise today to submit a concurrent resolution urging U.S. representatives at the upcoming meeting of the Antarctic Treaty negotiators to carry out the intentions of legislation introduced last year by myself and the Honorable Silvio Conte, which calls for an indefinite halt to all mineral mining in Antarctica. Later this month, on April 22, Earth Day, members of the Antarctic Treaty Consultative parties will be meeting in Madrid, Spain, to finalize the negotiations on a new environmental Protocol to the Antarctic Treaty.

The concurrent resolution which we are submitting today urges the U.S. negotiating team to follow the directive of Congress last year to provide comprehensive environmental protection of Antarctica and prohibit commercial mining development on the continent. These measures, Public Law 101-594 introduced by the late Honorable Silvio Conte and myself and Public Law 101-620 introduced by Senator GORE and Congressman OWENS, direct the United States to pursue an indefinite prohibition on all mineral exploration and development and to reject the Convention on the Regulation of Antarctic Mineral Resource Activities [CRAMRA], because it does not guarantee protection to the fragile Antarctic environment.

What would be more fitting to the memory of our great friend, Sil Conte, than to honor him for his work on the environment by having our negotiators push for the effort Sil Conte worked on tirelessly over the past few years. What is now the law of our land should be the language of the new international treaty on Antarctica.

Mr. President I am very concerned at reports I have been hearing out of the State Department that at the upcoming Antarctic Treaty meeting, the U.S. negotiators have been directed to pursue a policy which would ultimately result in the opening up of Antarctica for mineral mining explorations and development. This could not be further from the intentions of Congress when we passed the two laws last year and we hope the President recognizes the meaning of the legislation that he signed into law last fall.

It is my understanding that despite the clear mandate of the Kerry-Conte law negotiators have been told to support a ban on mining that would last only 20 to 40 years. Our law calls on the Secretary of State to negotiate a new agreement for Antarctica that would "prohibit or ban indefinitely" mining activities. I discussed this issue at length last year with the State Department and made it clear then that 20 to

40 years does not constitute an indefinite ban. By introducing this resolution we are attempting to remind the administration of the support that exists in Congress for a long-term ban on mining of at least 99 years, and the support for a more comprehensive environmental shield over the continent.

Our resolution urges an indefinite ban on the mining issue unless a consensus is reached among the parties to the treaty to modify the treaty in a way that would provide comprehensive environmental protection to the area. There is no doubt in my mind that this is a fair and equitable approach to address the issue.

Mr. President, the Antarctic ecosystem is precious and fragile and it is imperative that we negotiate a treaty that will protect if from any future development which may be hazardous to its long-term health.

Equally important to the minerals prohibition, is the rejection of CRAMRA. It is my understanding that the State Department plans to push for an agreement that would permit CRAMRA to enter into force after a time limited prohibition on mining. Congress was totally clear on its rejection of CRAMRA last year, and the State Department is clearly violating our intention if it pushes for CRAMRA. To date several other treaty nations have already dismissed CRAMRA and I urge the U.S. negotiators to follow the lead of countries like France, Australia, and New Zealand on this matter.

Mr. President, Antarctica is precious for many reasons. Chief among them, however, is its near pristine wilderness which serves as a perfect laboratory for studying global warming trends. Many scientists believe that development is likely to cause ice caps to melt, which would not only cause sea levels to rise, but would also reduce the ocean's capacity to absorb carbon dioxide—one of the main greenhouse gases. Altering this ability of our ocean to absorb $CO_2$, is clearly counterproductive to the findings in the report issued yesterday by the National Academy of Science on global warming trends. If the Antarctic environment gets sullied, we will lose a perfect testing ground for measuring global change and other critical scientific issues.

In closing Mr. President, let me reiterate my belief that the upcoming meeting in Madrid provides the United States with a great opportunity to take a leadership role in the protection of Antarctica and I urge the negotiators to put forth a strong position which reflects the laws passed by Congress last year.●

## SENATE CONCURRENT RESOLUTION 27—URGING THE ARAB LEAGUE TO TERMINATE ITS BOYCOTT AGAINST ISRAEL

Mr. LAUTENBERG (for himself and Mr. HATCH) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 27

Whereas since 1948 the Arab countries have maintained a primary boycott against Israel, refusing to do business with Israel;

Whereas since the early 1950's the Arab League has maintained a secondary and tertiary boycott against Israel, preventing Arab countries from doing business with third parties that trade with or invest in Israel;

Whereas the boycott seeks to coerce American firms by blacklisting those that do business with Israel;

Whereas Arab countries submitted 12,668 boycott-related requests to American firms in fiscal year 1989;

Whereas the boycott causes economic damage and isolation to Israel;

Whereas many American firms may be denied contracts by the Kuwaiti Government because they conduct business with Israel;

Whereas the United States has a longstanding policy opposing the Arab League boycott and United States law prohibits American firms from providing information to Arab countries to demonstrate compliance with the boycott;

Whereas two of the anti-Iraq coalition partners, Saudi Arabia and Kuwait, refuse to renounce the Arab boycott in the wake of a war in which Americans sacrificed their lives to ensure the independence and security of those nations;

Whereas Syria, another anti-Iraq coalition partner, continues to implement the Arab boycott and the Arab League's Central Boycott Office has been located in Damascus since 1951;

Whereas, Arab League countries refuse to accept passports from United States diplomats and citizens if they have an Israeli entrance stamp;

Whereas the Arab boycott against Israel greatly hinders the Middle East peace process and regional stability, to which this country is committed; and

Whereas the lifting of the Arab boycott against Israel would provide a gesture of good faith and represent a confidence-building measure between the Arab States and Israel, greatly enhancing the prospects for an Arab-Israeli peace: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That—

(1) the Arab League should immediately terminate the primary, secondary, and tertiary boycott against Israel; and

(2) the President should—

(A) vigorously encourage Arab League countries to terminate the primary, secondary, and tertiary boycott against Israel, including a reversal of the longstanding policy of not accepting passports with an Israeli entrance stamp, as a confidence-building measure; and

(B) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

● Mr. LAUTENBERG. Mr. President, I rise to submit a concurrent resolution calling for an end to the Arab League boycott of Israel and companies that do business with Israel. I am pleased that Senator HATCH is joining me in introducing this resolution.

The Arab League has maintained a primary economic boycott against Israel since 1948, refusing to do business with any individual or business in that country. Since the early 1950's, the Arab League has maintained a secondary and tertiary boycott against Israel and her trading partners. Under the terms of the secondary boycott, the Arab League demands companies worldwide to refrain from trading with or investing in Israel. If a company does trade with Israel, it is blacklisted by the Arab League. Arab League countries will not trade with any blacklisted company. They also will not trade with any company that does business with a blacklisted company. This is known as the tertiary boycott.

The Arab boycott doesn't hurt only Israel. It harms America as well. Longstanding U.S. policy on the boycott has been clear. We don't accept it. We won't stand by and let American firms be threatened and coerced. We won't tolerate or cooperate with these outrageous barriers to trade. That's why U.S. law bars American companies from providing certain information to Arab countries to demonstrate compliance with the boycott.

America's Arab coalition partners in the gulf war must move quickly to end the boycott against Israel and companies that trade with Israel. American soldiers sacrificed their lives to protect the independence and security of Saudi Arabia and Kuwait. After all that America has done for them, these countries continue to wage economic war against American business. American companies that trade with Israel may even be denied contracts by the Government of Kuwait—a government that exists today because Americans fought to restore it. Syria, another anti-Iraq coalition partner, also shows no sign of changing its policy on the boycott and is the home of the Arab League's Central Boycott Office.

Mr. President, Israel and its friends in America and around the world are isolated not only economically, but politically as well. Our Arab League coalition partners must finally reverse their policy of political isolation. They must be encouraged to reverse their longstanding policy of denying entrance visas for visitors if they have an Israeli entrance stamp in their passport.

Because of this outdated policy, I had to be issued an entirely new diplomatic passport by the State Department before I could get a visa from the Saudi Arabian and Kuwaiti Governments for a recent trip to the Middle East. My existing diplomatic passport had an Israeli entrance stamp from a previous visit to Israel and I would have been denied entrance if I tried to use it.

It was the height of absurdity that the Governments of Saudi Arabia and Kuwait were prepared to refuse a United States Senator a visa for a congressional delegation visit because his diplomatic passport had an Israeli entrance stamp. In maintaining their visa policies, Saudi Arabia and Kuwait are sending a clear but disturbing message to all Americans. American soldiers prepared to fight to restore security in the region are welcome. But, Americans who have ever visited Israel are not. Would the Saudis and Kuwaitis have denied an American soldier entry if he or she had visited Israel?

This policy is a sad reminder that despite all the developments of recent months, Arab nations except for Egypt still pursue a far-reaching policy of rejection of Israel. The policy is an impediment to peace and must be reversed. I wrote to Secretary Baker urging him to lodge a formal complaint about the visa matter with the Governments of Saudi Arabia and Kuwait and to place it high on the agenda as the United States continues to search for ways to bring peace to the Middle East.

I also raised it personally on a recent trip to Egypt, where I had the opportunity to meet with President Hosnia Mubarak and Egyptian Foreign Minister Ahmed Esmat Abdel Meguid, who was nominated by Mubarak to be head of the Arab League. In my meetings, I called on President Mubarak and Foreign Minister Meguid to ask the Arab League to repeal the economic boycott against Israel and her trading partners. I called on them to seek a reversal of the longstanding policy of rejecting anyone who shows evidence of even visiting Israel.

Mr. President, the time has come for the Arab League countries—particularly our coalition allies—to end their economic boycott of Israel and companies that do business with Israel. The time has come to stop isolating Israel politically. Lifting the boycott against Israel and her trading partners would provide an important gesture of good faith and a critical confidence building measure between the Arab States and Israel. It would be a positive first step toward the goal of achieving a longlasting Arab-Israeli peace.

The resolution we introduce today seeks to move the Arab League countries in that direction. It calls on the Arab League to immediately terminate the primary, secondary, and tertiary boycott against Israel and companies that do business with Israel. It calls on the President to vigorously encourage Arab League countries to terminate the economic boycott against Israel and those who trade with Israel, and to end its policy of rejection of anyone who shows evidence of even visiting Israel. And, it calls on the President to encourage our allies and trading partners to enact laws prohibiting businesses from complying with the boycott and penalizing companies that do comply.

Mr. President, if Arab countries and the Arab League agreed to reverse this policy, it would be a positive step toward recognizing Israel's right to exist. It would give hope to the Israelis that her neighbors are serious about acknowledging her permanence. It would bring hope to many that Arab nations will one day formally end their state of war with Israel and enter direct negotiations for peace agreements with that country. I urge my colleagues to support this resolution.●

## SENATE RESOLUTION 97—RELATIVE TO THE DEATH OF JOHN GOODWIN TOWER, A FORMER SENATOR FROM THE STATE OF TEXAS

Mr. GRAMM (for himself, Mr. BENTSEN, Mr. DODD, Mr. DOLE, and Mr. BOND) submitted the following resolution; which was considered and agreed to:

S. RES. 97

Whereas the Honorable John Goodwin Tower served the people of Texas and America in the United States Senate with pride and distinction from 1961 to 1985;

Whereas John Tower's leadership in matters related to military and foreign affairs helped prepare the foundations for America's recent successes in the Persian Gulf War;

Whereas the death of John Tower's daughter, Marian, is a monumental loss to all who knew and loved her; and

Whereas John Tower's tragic passing has deprived Texas and America of an extraordinary person and valued leader: Now, therefore, be it

*Resolved*, That the Senate expresses the profound regret of the membership on the death of its former colleague, John Goodwin Tower of Texas, and of his daughter, Marian;

That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the Senator; and

That when the Senate recesses today, it recess as a further mark of respect to the memory of former Senator John Tower.

## SENATE RESOLUTION 98—RELATIVE TO OIL IMPORT FEES

Mr. PELL (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. KERRY, Mr. DODD, Mr. BRADLEY, Mr. LAUTENBERG, Mr. COHEN, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. RUDMAN, and Mr. MITCHELL) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 98

Whereas a fee on imported crude oil and refined petroleum products, whether in the form of a levy for general revenues, a levy to fund specific programs, or an in-kind storage requirement of a percentage of imported crude oil and refined petroleum products, and whether fixed or variable, would directly increase the costs of production and manufacturing for industries that use petroleum products;

Whereas the increased production costs resulting from such a fee, levy, or diversion would impair the ability of industries to compete in international markets;

Whereas such a fee, levy, or diversion would directly increase the costs to other users of petroleum products, including those dependent on oil and oil products to heat their homes and those who use electricity generated from oil; and

Whereas the increased costs to industry and to homeowners from such a fee, levy, or diversion would not be uniformly distributed among geographic regions or economic sectors, but would be borne disproportionately by the regions and economic sectors that are most dependent on petroleum products: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that neither the President nor the Congress should impose fees, levies, or diversion requirements on imported crude oil and refined petroleum products.

Mr. PELL. Mr. President, I speak today on behalf of myself and Senators CHAFEE, KENNEDY, KERRY, DODD, COHEN, LAUTENBERG, BRADLEY, and JEFFORDS to introduce a Senate resolution expressing disapproval of an import fee or levy on imported crude oil or refined petroleum products. I do so because although Congress has rejected the concept of an oil import fee on various occasions in the past, proposals have surfaced once again which, albeit in different language, call for what is essentially an oil import fee.

One such proposal calls for the imposition of an oil security premium on imported crude oil and refined petroleum products. This proposal would require importers to provide the U.S. Government free of charge a portion of the crude oil and refined oil products brought into this country. The Government would in turn use this oil for the purposes of increasing the amount of oil in the strategic petroleum reserve with a target of adding some 220,000 barrels per day. The effect of this oil security premium, however, would be to impose an oil import fee, payable in oil rather than dollars, at a level of approximately between 9 and 10 percent of the value of the crude oil and refined petroleum products brought into this country.

Mr. President, as we finally begin to address America's long-neglected need for a comprehensive national energy policy, it is important that we develop precisely that—a national energy policy and not one that either adversely affects or unfairly benefits certain regions of this country more than others. Unfortunately, an oil import fee, or as in this case, an in-kind storage requirement of imported petroleum, does just that. It adversely affects oil-consuming regions of the country, in particular New England and the upper Midwest, and provides a subsidy to oil-producing regions at the expense of consumers nationwide. While the goals of energy security and increasing the strategic petroleum reserve are laudable, using the oil security premium as a mechanism to achieve these goals is patently

unfair as well as costly to taxpayers and consumers alike.

I would like to point out some of the basic objections to the concept of an oil import fee or in-kind storage requirement. First, such a levy would impose an added cost on all U.S. manufacturers who use oil and would place U.S. industry at a disadvantage in competing with other countries. In this time of recession, American industry can ill afford any additional burden on its manufacturing competitiveness.

Second, such a levy would place an unfair economic burden on those regions of the country that are particularly dependent on oil for heating, industrial processes, and electric power generation. In some States in these regions, and in particular the Northeast, oil accounts for nearly two-thirds of total energy consumption compared with a national average of 40 per cent. For workers, homeowners, and businesses in States heavily dependent on oil for energy, many of which are currently in the midst of a severe economic downturn, an oil import levy would spell economic disaster.

Third, such a levy would provide a subsidy to oil-producing States, six of which produce over 70 percent of this country's oil, at the expense of the oil consumer nationwide who would face higher gasoline, home heating, and consumer product costs as a result of its imposition.

Fourth, such an import levy would hurt friendly nations such as Mexico, Canada, and Venezuela that have been reliable and secure suppliers of oil and some of whom already face international debt problems.

Finally, as a financing mechanism for increasing the strategic petroleum reserve, an in-kind storage requirement of imported petroleum is hardly cost-effective. Using the latest U.S. Department of Energy estimates, the eventual cost to the consumer of this proposal to increase the amount of oil in the strategic petroleum reserve would be over $40 per barrel. Simply hiding this cost behind the guise of an in-kind storage requirement of imported crude will do nothing for the consumers and industries of this country that will be adversely affected.

In conclusion, I would like to say that for these and other reasons, Congress has resisted oil import fees in the past. This time around, Congress is being presented with a slightly different proposal than a direct import fee but make no mistake about it, the effect of the oil security premium as I outlined earlier would be precisely the same as an oil import fee. Notwithstanding the need for a comprehensive national energy policy and, in particular, an adequately stocked strategic petroleum reserve, this oil security premium is not the means by which these should be achieved. Moreover, while such policy is unfair and costly in the best of economic times, it is especially dangerous in this time of recession when industries and consumers are being pressed to their limits.

Accordingly, I urge my colleagues to support this resolution and join me in working to eliminate the imposition of any kind of fee or levy on imported crude oil or refined petroleum products.

## SENATE RESOLUTION 99—CONCERNING THE PROTECTION OF REFUGEES IN IRAQ

Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. GORE, Mr. PELL, Mr. LEAHY, Mr. SANFORD, Mr. MITCHELL, Mr. DOLE, Mr. PACKWOOD, Mr. CRANSTON, and Mrs. KASSEBAUM) submitted the following resolution; which was considered and agreed to.

S. RES. 99

Whereas Kurds, Shi'ites and others throughout Iraq began an armed uprising against the government of Saddam Hussein;

Whereas since the uprising began Iraqi forces have employed indiscriminate force against civilian populations throughout the country, including the use of weapons such as napalm and phosphorous, and have killed thousands, and displaced and put at risk of starvation perhaps one million people;

Whereas the United Nations Security Council on April 5, 1991 adopted Resolution 688 which condemns the repression of Iraqi civilians and states that this repression threatens international peace and security in the region, demands that the Iraqi government immediately end its repression of civilians, insists that Iraq allow immediate access by international humanitarian organizations to those in need of assistance and demands that Iraq cooperate with the Secretary General to address urgently the critical needs of the refugees;

Whereas the United Nations and the United States, as the leader of the international coalition opposing Iraqi aggression, have a unique responsibility and ability to address the plight of the Iraqi refugees: Now, therefore, be it hereby

*Resolved by the Senate*, That the Senate strongly condemns Iraq's continuing military atrocities, its slaughter of thousands of innocent civilians, and its blatant violations of international standards of human rights and the Fourth Geneva Convention of 1949;

The Senate calls for a United States policy in support of democracy and respect for human rights and international law in Iraq;

The Senate believes that the United States has a moral obligation to provide sustained humanitarian relief for Iraqi refugees and urges the President to continue his efforts to garner international support for those fleeing Iraqi repression;

The Senate notes the assistance Turkey and Iran have provided to Iraqi refugees, encourages them to continue to assist the refugees in every appropriate manner, and pledges United States assistance to international relief efforts for the refugee populations;

The Senate calls upon the President immediately to press the United Nations Security Council to adopt effective measures to assist Iraqi refugees as set forth in Resolution 688 and to enforce, pursuant to Chapter VII of the United Nations Charter, the demand in Resolution 688 that Iraq immediately end its repression of the Iraqi civilian population. Such measures could include: (1) establishing temporary enclaves to provide sanctuary to those fleeing Iraqi troops, (2) developing procedures to verify the full implementation of any Iraqi government offer of amnesty to Iraqi citizens, (3) maintaining economic sanctions against Iraq, and (4) using effective means to protect refugees pursuant to Article 42 of the United Nations Charter.

## SENATE RESOLUTION 100—COMMENDING DUKE UNIVERSITY FOR WINNING THE 1991 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION MEN'S BASKETBALL CHAMPIONSHIP

Mr. SANFORD (for himself, Mr. HELMS, and Mr. MITCHELL) submitted the following resolution; which was considered and agreed to:

S. RES. 100

Whereas, for the first time in the history of the university, the Duke University Blue Devils won the National Collegiate Athletic Association Men's Basketball Championship; and

Whereas Duke University has consistently maintained one of the top basketball programs in the country; and

Whereas the Duke Blue Devils have reached the NCAA Final Four nine times, and the current head coach Mike Krzyzewski and his staff have led the Blue Devils to the Final Four five out of the last six years; and

Whereas Coach Krzyzewski holds the highest winning percentage among active coaches in the NCAA tournament with a 27 to 7 record; and

Whereas Coach Krzyzewski was also named NCAA Coach of the Year; and

Whereas the senior cocaptains of the Duke basketball team became the first players to go to the NCAA Final Four each of their four years; and

Whereas three members of the Duke team made the NCAA All-Tournament team, one was named first team All-American, one honorable mention All-American, and one freshman All-American; and

Whereas the Blue Devils, before defeating Kansas in the final game, beat the University of Nevada-Las Vegas Running Rebels and ended their 45 game winning streak: Now, therefore, be it

*Resolved*, That the Senate commends the Duke University Blue Devils for winning the 1991 National Collegiate Athletic Association Men's Basketball Championship.

## SENATE RESOLUTION 101—AUTHORIZING TESTIMONY OF CERTAIN SENATE EMPLOYEES

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 101

Whereas, in the case of United States v. Kim Peoples, No. M7711-90, pending in the Superior Court for the District of Columbia, the United States Attorney has caused subpoenas for testimony at trial to be served upon Frances Marcus and John Mashburn, employees in the office of Senator Jesse Helms;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under

the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Frances Marcus, John Mashburn, and any other Senate employee whose testimony may be necessary, are authorized to testify at the trial of United States v. Kim Peoples.

## NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce a change in time for a hearing that has been scheduled on April 16, 1991, before the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the Department of Energy's Superconducting Super Collider Program.

The hearing will take place on Tuesday, April 16, 1991, at 2 p.m. instead of 9:30 a.m. as originally scheduled. It will be held in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, attention: Paul Barnett.

For further information, please contact Paul Barnett of the committee staff at 202/224-7569.

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that further hearings have been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on S. 484, the Central Valley Project Improvement Act.

The first hearing will take place on Thursday, May 2, 1991, in Sacramento, CA. The exact time and location will be announced at a later date.

The second hearing will take place on Wednesday, May 8, 1991, beginning at 2 p.m., in room SD-366 of the Senate Dirksen Office Building, Washington, DC.

Due to the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the printed hearing record is welcome to do so. Those persons wishing to submit written testimony should mail five copies of the statement to the Subcommittee on Water and Power, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366 or Anne Svoboda at (202) 224-6836.

## AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environemnt of the Foreign Relations Committee be authorized to meet during the session of the Senate on Thursday, April 11, at 2:30 p.m. to hold a hearing on U.S. development assistance programs.

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

SUBCOMMITTEE ON WESTERN HEMISPHERE AND PEACE CORPS AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere and Peace Corps Affairs of the Foreign Relations Committee be authorized to meet during the session of the Senate on Thursday, April 11, at 2:30 p.m. to hold a hearing on issues relating to a bilateral free trade agreement with Mexico.

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

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Conservation and Forestry of the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on April 11, 1991 at 9 a.m. to hold a hearing on below cost timber sales and forestry management.

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Foreign Relations Committee be authorized to meet during the session of the Senate on Thursday, April 11, at 10 a.m. to hold a hearing on the effects of the continued diplomatic stalemate in Cambodia.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on April 11, 1991, at 1:30 p.m. on S. 218, Emerging Telecommunications Technologies Act of 1991.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. 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, at 2 p.m., April 11, 1991, to receive testimony on S. 343, a bill to provide for continued U.S. leadership in high performance computing.

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

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. MITCHELL. 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, April 11, 1991, at 10 a.m., for a hearing on "Reauthorization of the Higher Education Act: Secretary of Education Lamar Alexander."

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

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Thursday, April 11, 1991, at 2:30 p.m., to receive testimony on U.S. military strategy and its relationship to the fiscal years 1992-93 national defense authorization request and the fiscal years 1992-97 Future Year Defense Program.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on April 11, 1991, at 10 a.m.

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

SUBCOMMITTEE ON PATENTS, TRADEMARKS, AND COPYRIGHTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary be authorized to meet during the session of the Senate on April 11, 1991, at 1:30 p.m., to hold a hearing on Patents and Trademark Office authorization.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 11, 1991, at 2 p.m.,

to hold a hearing on "The Environmental Consequences of the Drug Epidemic."

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

## ADDITIONAL STATEMENTS

### WEST VIRGINIAN RAE McKEE 1991 TEACHER OF THE YEAR

• Mr. ROCKEFELLER. Mr. President, I am proud to take a moment to congratulate an extraordinary West Virginia teacher, Rae Ellen McKee.

Rae McKee is a remedial reading teacher at Slanesville Elementary School in Hamshire County, WV. This is a chapter I school in a very rural county of my State. But its students are lucky because they are taught by Rae, a dedicated and inspiring teacher.

This week, Rae was selected as the 1991 "National Teacher of the Year." Yesterday, President Bush and Education Secretary Alexander were in West Virginia to visit Slanesville Elementary School and to honor Rae McKee.

It is an honor she truly deserves. Rae is committed to the profession of teaching and comes from a family of educators. She has taught for 11 years, and I know she has encouraged many West Virginia children. By teaching them to read, Rae has been able to open the window of opportunity for her students.

In the Senate, we talk a great deal about improving education and I am committed to this vital goal. Federal support for chapter I, handicapped education, literacy programs and all of our educational initiatives are essential. But the role of teachers is unique. Each of us remembers a special teacher who exposed us to the joys of reading, or unraveled the mysteries of mathematics, during our elementary school years.

Teachers, like Rae McKee, inspire children to learn and develop to their full potential. I am proud that Rae and West Virginia will be honored by the National Teacher of the Year Program. Throughout the next year, Rae will be an eloquent speaker on behalf of education and she will carry an important message across our country.

It was a pleasure to meet Rae earlier this year, and I was enormously impressed by her enthusiasm and commitment. I was also touched by her modesty and wisdom. I want to share some of her thoughts on education. In a West Virginia interview in February about this national program, Rae said, "My only regret is that the people I work with can't be recognized because they all deserve it. It's a shame that one person has to be singled out, because the education of children can never be an individual effort."

I agree with Rae McKee. Dedicated teachers in West Virginia and around the country deserve our admiration and support. By honoring Rae, we honor the teaching profession. Rae is also right that many people are involved in the education of a child. Teachers are the leaders in the classroom, but parents, neighbors and every one in the community can—and should—contribute to the education of our next generation. Rae McKee will be an inspiring example for all of us.•

### GLASGOW, KY

• Mr. McCONNELL. Mr. President, I rise today to recognize a unique Kentucky town called Glasgow.

But where in the world is Glasgow? It is an hour and a half equidistant between Louisville and Nashville. East of Bowling Green. South of Elizabethtown. West of Campbellsville. And just north of Tompkinsville. To quote Assistant Principal Jim Nelson:

> We're an hour and a half from either center for the arts, but we're far enough away to be insulated from some of the grime and crime that we read about.

In addition to its geographical singularity, Glasgow boasts many of Kentucky's firsts. Approximately 72,000 head of cattle graze the Glasgow area farmland. The city is also the home of the State's largest Wal-Mart, best-managed school system, the 1968 State high school basketball championship, the State's largest producer of hay and milk, and one of the Nation's 10 safest cities.

Even with all of these reasons to be proud, there are still a few complaints here and there. Perhaps those concerns are best addressed by Sandie Claywell, a Glasgow native who studies elementary education at the Western Kentucky University extension campus there.

> I think the problem is a lot of people who're not from Glasgow take Glasgow too seriously . . . I hear people say it doesn't offer everything. It's got everything I want.

What else does Glasgow offer? Surprisingly, an impressive cable television system. With competition brewing between two cable television operators, Glasgow cable viewers can get more for $9 than they can for $20 in Louisville.

Mr. President, I salute this Kentucky town with character, achievements, and an excitement all its own. And I ask that the text of the attached Courier-Journal article be inserted in the RECORD.

The articles follow:

GLASGOW

POPULATION, 1990

Glasgow, 12,351.
Barren County, 34,001.

BIG JOBS

Manufacturing, 4,437 employees.
Wholesale/retail, 2,708.
Services, 2,104.
State/local government, 1,349.
Contract construction, 981.

BARREN COUNTY PER CAPITA INCOME, 1988

$11,230 or $1,582 below the state average.

EDUCATION

Public School Systems: Glasgow Independent (2,284 students); Barren County (3,171 students); Caverna Independent (1,050 students from two counties) Colleges: Western Kentucky University-Glasgow (951 students) Largest vocational school: Barren County Area Vocational Education Center (average enrollment 460).

MEDIA

Newspapers: Glasgow Daily Times (daily except Saturday); Barren County Progress (weekly); Glasgow Republican (weekly) Radio: WCDS (country); WCLU (rock-era oldies); WHHT (rock); WOVO (rock); WPXR (country) Television; Cable offerings include stations from Louisville, Bowling Green, Campbellsville and Nashville, plus "superstations" from Atlanta, Chicago and New York.

TRANSPORTATION

Air; Moore Field (one 4,000-foot runway); Nearest scheduled airline service: Nashville International Airport, 79 miles.

Rail: CSX, Truck: 26 truck lines serve Glasgow.

Water: No commercial river traffic.

LARGEST COMPANIES, 1991

R.R. Connelley & Sons (magazine printers), 1,400 employees.
Eaton Corp. (axles) 700 employees.
SKF USA (bearings) 333 employees.
Aerovox M (electrolytic capacitors) 300 employees.

TOPOGRAPHY

Rolling, rolling, rolling. The land looks like waves of earth.

FAMOUS FACTS AND FIGURES

Glasgow has the biggest Wal-Mart in Kentucky, at more than 110,000 square feet.

Every Esquire, Town and Country, Bazaar, and Sassy magazine is printed in Glasgow, at R.R. Donnelley & Sons, an outfit so big the U.S. Postal Service has its own shop there.

Famous Folks from Glasgow; Bandleader Billy Vaughn, journalists Diane Sawyer and Arthur Krock, NBC chairman Julian Goodman, Gov. Louie Nunn.

Barren County has more registered farm trucks than any other country in the state (2,669 in 1988)—and 2.11 cows for every person (more cattle than any other Kentucky county.)

Glasgow had Kentucky's first black mayor, Luska Twyman, who served from 1968–85.

Preston Hopkins Leslie of Glasgow was governor of two States—Kentucky, from 1871–75, and Montana, while it was still a territory, from 1887–89.

COWS, FACTORIES AND CABLE VIEWERS ALL DO BETTER THAN THAT FRENCH RESTAURANT' WITH THE CORKING FEE

(By C Ray Hall)

The first white settlers here saw vast, treeless stretches and called them "barrens," as if nothing would ever grow there. Perhaps it was such dim prospects that caused two of the very first settlers to open taverns.

As it turned out, though, just about everything will grow here—from trees to tobacco to factories, which dot the rolling hillsides. About the only thing that won't grow is taverns. Too dry.

Pollution? Not much, unless you count methane from cow belches. Barren County

has about 72,000 cattle—more than any other county in Kentucky. It produces more hay and milk than anyplace else in the state. And as to a nod to city slickers, Glasgow produces every Esquire, Bazaar, Town and Country and Car and Driver magazine in the world. (Plus 115 others at the R. R. Donnelley and Sons plant.)

It seems a year can't go by without folks here discovering they've been declared No. 1 in something else. Many towns claim to have the biggest Wal-Mart in the state; Glasgow really does. A couple of years back, the Glasgow school system was cited as the state's best-managed. Glasgow High won the state basketball championship in 1968. The Barren County cheerleaders won a couple of national championships in the '80s. A decade ago, Glasgow was declared one of the nation's 10 safest cities, based on crime figures compiled by the FBI.

"That's not to say we have no crime here," says the mayor, Charles Honeycutt. "We've had some very successful undercover drug operations that show that."

All in all, though, the place is just sort of overwhelming in its pleasantness, like a breeze blowing through honeysuckle. There's an industrial park that actually locks like a park. (And one that doesn't.) A long, stately stretch along South Green Street is somewhat like Lexington's Ashland Park, only with bigger yards and smaller mortgages.

Glasgow might be the only place in Kentucky where you could find the mayor wearing both a beard and a skirt. Charlie Honeycutt, below, dons a kilt for the Highland Games.

There aren't many places where you could lay down a marble without having it roll away and hit a cow or a factory, or somebody talking about making Glasgow more globally competitive. (A volume in the mayor's office: "Japanese Business Etiquette.")

Glasgow is probably the only place in Kentucky where you could find the mayor wearing both a beard and a skirt. The mayor dons his kilts for the Highland Games, a big late-spring festival that draws Scottish clans.

Honeycutt followed Luska Twyman into the mayor's office. Twyman, who served from 1968-85, was Kentucky's first black mayor. Both were high school principals. Honeycutt is also a former high school band director who played a bit with Billy Vaughn, one of several folks with Glasgow ties and national recognition.

"We have enough people like that to give us the confidence we can compete on a national level—and globally," says Jim Nelson, assistant principal at Glasgow High School. Like a lot of people, Nelson points out that Glasgow is about equidistant between Louisville and Nashville. "We're an hour and a half from either center for the arts," he says, "but we're far enough away to be insulated from some of the grime and crime that we read about."

Glasgow's crime-free, grime-free town square has the requisite courthouse with white clock and Confederate statue, and locals who lane-hop in eerie slow motion.

All in all, it's a place that values peace and harmony so much that it's not unusual for a church to take 18 months to hire a preacher.

This is why it's surprising, perhaps, when a preacher breaches the peace. The gadfly in the ointment that otherwise soothes Glasgow's self-image is Father Daniel Sheehan, a 68-year-old priest at St. Helen's, a Catholic church built with fieldstones supposedly carried by parish women in their aprons. Sheehan wishes Glasgow's wealthier folks would take up the burden of the poor, like those women carrying stones in their aprons.

Relief agencies, including his own church's fund for the poor, he says, are "overwhelmed."

Within 15 minutes, two people knocked at the priest's door. One was a woman who had been laid off from her job asking for help with her light bill. "It's a lot," she said, "$167." She had a shut-off notice. So did the old man who stopped by minutes later.

Unemployment, which was in double digits in the mid-1980s, dipped to 4.6 percent last November. But it's headed up, apparently, with two plant closings expected to cost upwards of 300 jobs.

One retreat from such disheartening consideration is a corner of the town square occupied by the George J. Ellis Drug Store, where coffee is the social lubricant, George J. doesn't dispense here anymore. Tom Holmes, who bought him out in '63, does.

"I was looking for a place to get into debt," Holmes says. "And this worked out fine."

It's not just a drug store. It's not just a restaurant that starts serving before sunup. It's not just a place where you can snatch a volume of The American Encyclopedia off the shelf next to the canned corn and Ajax cleanser. It's a social center where the fatal mistake is taking yourself seriously.

"You gotta be thick-skinned in here," says Les Settle, the city clerk. "If you bleed easily, you better not come in."

For example: A townsman somewhat shy of teeth took note of an undertaker's ring one day and cracked, "D'you get that off one of your customers?"

"No," the undertaker deadpanned, "but I got some teeth for you."

Holmes is a gnomelike presence who always seems to be enjoying a private joke. Maybe he is.

"I wouldn't come in here if I didn't have to work here," he grumps. "And I wouldn't blame other people if they didn't come in."

Faced by such Tom Sawyerian logic, they come in droves, naturally. They spend a lot of time matching coins for coffee. One unlucky soul recently had to pick up the tab for 13 coffee drinkers.

Across the square, at Bernards clothing store, the humor is kinder and gentler. Father John Agapito, a young priest, entered.

"What can I do you for?" asked Berky Sloan, the owner.

"Coupla pair of pants."

"Black?"

Sloan's store, which has been there 55 years, is one of many holdouts on the square, resisting the lure of the suburban strip. Some people think it'll be swell if the proposed coast-to-coast highway, I-66, snuggles up to Glasgow along the Cumberland Parkway. Sloan isn't so sure.

"I think one of the worst things we ever did was building the Cumberland Parkway," he says. "It just made it easier for everybody to get to Bowling Green. . . . People, when they have a little extra money to spend, local's not good enough. They've got to go to Bowling Green or Nashville."

Or to The Biggest Wal-Mart in the State, Sloan calls it "The Forbidden City," not just because of its vastness ("It takes you 15 minutes to go through there") but because of its voracity. ("They put out three drug stores and two dime stores. The next thing they're working on is tire stores.")

Wal-Mart even put itself out. Across the bypass from the gleaming new Wal-Mart is the old one, an empty monument to consumption.

Glasgow had another monument to consumption—a French restaurant called L'Auberge du Champs. In 1983, it opened across from the airport with great fanfare. Ultimately, it had more fare than fans. Everybody called it "that French restaurant."

"It didn't do well because it intimidated everybody," says Kim Pryor, a banker.

Her mother, Jill Bailey, a music teacher, recalls a trip with a friend: "We took a $3 bottle of wine out there and they charged us $5 to unscrew the lid. Corking fee. . . . The maitre d', what was his name Henri? He was pretty slick. But country people. . . ."

The latest incarnation at "that French restaurant" is the Beaver Creek Inn, which opened March 1. The owners, Glenn and Marg Henderson, used to run The Feed Shed, a popular place over at Marrowbone. Despite its location next to the volunteer fire department, The Feed Shed burned. Something about a barbecue pit run amok.

For Glasgow folks, who generally brag about only one other restaurant, Bolton's Landing, the Beaver Creek Inn may be just what the country doctor ordered. Servers bring big bowls and platters of home-cooked meals to your table for what Henri would call prix fixe. The prix is fixed at $10.95. Which is pretty cheap by the hour.

"If they want to sit there and eat two hours," says Marg Henderson, "we'll keep bringing the stuff to them."

Everybody has a bottom line on Glasgow's French flirtation. Some see a larger lesson. Sandie Claywell, who is studying elementary education at the Glasgow campus of Western Kentucky University, says, "I think the problem is a lot of people who're not from Glasgow take Glasgow too seriously. . . . I hear people say it doesn't offer this or it doesn't offer that. Small towns weren't meant to offer everything. It's got everything I want."

Especially since Western Kentucky University came to town three years ago with its extension campus, which now has 951 students. It's gotten so big and, presumably, impersonal that some computer entrepreneurs have put together listings to help students "find your 10 most compatible people."

One astonishing thing Glasgow offers: an impressive cable-TV system. Competition seems to be the culprit. A couple of years back, Glasgow's Electric Plant Board fired up its own cable operation. TeleScripps, the entrenched system, responded by doubling its channels and cutting its prices by a third. In Glasgow, cable viewers can get more for $9 than they can for $20 in Louisville.

Glasgow wears down the resistance of even the most recalcitrant newcomers, Don Doty, a Tennessee native and plant manager at Eaton Corp., explains:

"When they first come, anything that they were used to having . . . that they don't find here, why, they'll bitch about that. 'You can't get a drink here.

There's nothing to do.' "

"I think the cycle usually goes, the first year they bitch about all these things. The second year, it's quiet and leveled out. And then after that the only time you hear any bitching is when they get transferred out."●

## HOW ABOUT PUERTO RICO'S SELF-DETERMINATION?

● Mr. SIMON. Mr. President, one of the great mistakes that has been made by a Senate committee was made recently when one of our committees declined to pass out Senator BENNETT JOHNSTON's bill providing the people of

Puerto Rico with the right to vote for self-determination.

It is a decision that must be reversed. We cannot say that we are for self-determination around the world but not for the people of Puerto Rico.

Two letters to the editor appeared in the New York Times that I think would be of interest to our colleagues. One was written by Mr. Lester Aponte-Parsi of Los Angeles, and the other was written by Mr. Kenneth G. Gruber of Puerto Rico.

The letters are of interest, also, because Mr. Lester Aponte-Parsi, with at least a part-Hispanic name, comes from Los Angeles, while Kenneth Gruber, with a name that is obviously of Germanic background, comes from Puerto Rico.

I urge my colleagues to read these two letters if they did not see them when they appeared in the New York Times.

The letters follow:

HOW ABOUT PUERTO RICO'S SELF-DETERMINATION?

TO THE EDITOR: The Senate's failure to act on Senator J. Bennett Johnston's referendum bill for Puerto Rico is shameful ("America's Captive Nation," editorial, Feb. 22). When Puerto Rico was invaded by United States forces in 1898, their commander, Gen. Nelson A. Miles, proclaimed that those forces had come to "bring the blessings of liberty and democracy" to "a people who have long been oppressed."

On numerous occasions, the White House and Congress have proclaimed a commitment to Puerto Rico's right to self-determination. A joint resolution of Congress passed Aug. 3, 1979, expressed Congress's "commitment to respect and support the right of the people of Puerto Rico to determine its political future by means of a peaceful, open and democratic process."

Is Congress now saying all men are created equal except those whose culture does not blend? The thousands of Puerto Ricans serving in the Persian Gulf may do well to ask what they were fighting for. If this country is willing to fight for Kuwait's right to self-determination, why is it not willing to afford its own citizens the same right?

LESTER APONTE-PARSI,
*President, Southern Calif. Chapter, National Committee for Puerto Rican Statehood, Los Angeles, March 4, 1991.*

HIDDEN WEALTH

TO THE EDITOR: As a former New Yorker who lives in Puerto Rico, I believe Tom Wicker's Feb. 9 column on statehood for Puerto Rico lacked basic facts about its political and social situation. I will discuss but one of his premises.

Mr. Wicker writes of the relatively low per capita income in Puerto Rico compared with the rest of the United States. There is poverty in Puerto Rico, though perhaps (since our total population is only three million) not so much as in New York City. Even by the official statistics, Puerto Rico has the highest per capita income in Latin America (that is, third behind the United States and Canada for the Western Hemisphere).

Mr. Wicker also describes Puerto Rico as the most important market for United States exports in Latin America, buying more goods than Argentina, Brazil and Chile combined. If three million Puerto Ricans import more United States products than 200 million people in South America (even given the high level of poverty in South America), there may be a problem with the per capita income statistic for Puerto Rico.

Few "mainlanders" know of the tax situation in Puerto Rico, which could contribute to this potential contradiction. Residents of Puerto Rico do not pay Federal taxes, but do pay a local income tax administered by the Commonwealth. It is well known that there is massive tax fraud in Puerto Rico. As an exmple, the average income for physicians or lawyers is $20,000 to $30,000 a year. This statistic was recently rejected by a jury in a Federal Court suit, and a figure closer to $150,000 a year was used to calculate a judgment. Similar disparities almost certainly exist.

In the United States, having a reported income disproportionate to your life style or the average income of your profession is a guaranteed way of producing an Internal Revenue Service investigation. This is not so in Puerto Rico.

Anyone who visits Puerto Rico and sees high-rise apartments and housing developments being built and sold at prices from $150,000 to $500,000 would be hard pressed to think this island has an economy vastly weaker than Mississippi's. This is to say nothing of the many Mercedeses, BMW's and other luxury cars commonly seen on our roads.

Another interesting statistic is that the highest-grossing stores in the Sears and J.C. Penney chains are in Puerto Rico. This is not a statistic you would associate with an economically depressing region.

There are also legal ways to defer a much larger percent of your total income in Puerto Rico than under I.R.S. regulations. For example, when I worked on the mainland, my ability to defer income was limited to a relatively small percent, while at my job in Puerto Rico I can defer up to 100 percent of my income. Thus, comparing per capita income figures calculated under two tax codes is mixing apples and oranges.

A more objective approach to the economic strength of Puerto Rico might be to calculate the per capita consumption of retail goods and services sold on the island, and compare this with other regions of the United States. You might find we are not so far from the rest of the United States as the per capita income figure would suggest.

KENNETH A. GRUBER,
*Condado, P.R., March 1, 1991.*•

## TRIBUTE TO HARRY "BUD" SMITH

• Mr. REID. Mr. President, I rise today to honor Harry E. Smith, known to his friends as "Bud."

Bud has always served as an example to those around him. The kind of commitment to hard work, family and community Bud has demonstrated throughout his life is what made our country great.

Bud graduated from Sparks High School in 1931 and went to work for the Southern Pacific Railroad. He retired in 1975.

He married his wife, Dorothy, on October 28, 1935. Together, they raised four children. And, today, they have been married more than half a century.

Bud has been active in the Masonic orders of northern Nevada since 1942, and has achieved the degree of master Mason.

He is also active in the Order of the Eastern Star and Kerak Shrine Temple.

Bud has passed on his love for community service to his sons and nephews. When they became old enough, he initiated them into the Masonic order.

Many old and young northern Nevadans have benefited from Bud's commitment to his community.

It is my privilege to honor him here on the Senate floor today.•

## A TRIBUTE TO PAGOSA SPRINGS

• Mr. WIRTH. Mr. President, I would like to take this opportunity to recognize the 100th birthday of one of Colorado's oldest and most interesting communities, the town of Pagosa Springs.

April 13 marks the 100th birthday of this remarkable town. Pagosa Springs is located at the base of the scenic San Juan Mountain range, and the residents have every reason to be proud of their town's unique western heritage and mountain splendor.

The Anasazi Indians, or "ancient ones," were among the first inhabitants of Archuleta County and present-day Pagosa Springs. The Anasazi cliff dwellers were followed by the Ute tribes, who revered the hot mineral springs of the area for spiritual and healing powers.

Spanish explorers and missionaries followed, and when the United States acquired this part of the Colorado territory after the 1848 War with Mexico, Fort Lewis was established as a military post to encourage settlers. The town of Pagosa Springs developed around Fort Lewis and was finally incorporated in 1891.

Today, visitors from around the world come to Pagosa Springs. Hunting, fishing, and outdoor recreational pursuits abound in this scenic part of the Colorado Rockies. For those interested in native American history, Pagosa Springs and the nearby Southern Ute Indian Reservation are very special locations. Some of the most beautiful pottery in North America is produced in this part of Colorado, and the archeological wonders of places like Chimney Rock are unique reminders of a spectacular native American culture that is centuries old.

Mr. President, I am pleased to join in wishing Pagosa Springs a very happy 100th birthday, and take pride in this special centennial celebration for one of Colorado's greatest communities.•

## ARMS SALES HEAVEN

• Mr. SIMON. Mr. President, we should all be concerned by the constant stockpiling of arms by countries around the world, including the poor countries of the world.

Far too much money is spent on arms that end up destabilizing the world rather than meeting the needs of people.

Leslie H. Gelb had a column in the New York Times that summarizes the situation well. While it talks only about the Middle East, where our attention is focused right now, a similar column could be written about Central America and other regions of the world.

I hope the administration will apply a little greater rationality than has been shown up to this point, and I hope Congress can serve as a restraining force, though our record is not a good one.

At this point, I ask to insert the Leslie Gelb column into the RECORD.

The column follows:

ARMS SALES HEAVEN

Syria, Egypt, Iraq and Turkey each have more main battle tanks than Britain or France. Syria, Iraq and Egypt each fly nearly as many combat aircraft as Germany or France or Britain.

Eqypt, Iran, Iraq, Kuwait, Libya, Saudi Arabia and Syria have purchased from abroad about $125 billion in arms since 1983. This accounts for more than half the worldwide arms trade.

Why are they doing this? Can President Bush do anything to bring the situation under control?

These nations are not buying all those arms to fight for a Palestinian homeland. They treat Palestinians the way Americans treated Indians.

Nor do they arm themselves so heavily because they think Israel will grab their territory or oil. Not even the most paranoid Arab fears that.

There are two simple and powerful reasons for Mideast Muslims making their territories look more like arsenals than countries. First, most of them hate and distrust each other. They have killed hundreds of thousands of their brethren in wars over the last 40 years. Second, they hate Israel, and most would like to destroy it. Israel intruded into their established world and humiliated them in battle many times. Even today they know that Israel, itself an armed camp, could defeat any two of them simultaneously.

These Arab states and Iran have very little incentive to accept limits on their arms purchases. They live in constant fear that one of their Muslim brothers will gain the upper hand and attack. Also, stopping the arms race would guarantee Israel's continued superiority in military technology and its monopoly in nuclear weapons. Thus the arms race spirals upward and the wars become more terrible.

The arms exporters understand all this full well. But only on the rarest occasions have they denied arms requests from their oil suppliers. The industrialized world simply wants to keep the oil countries happy and buying arms to help offset the oil bills.

No one understands this mutual dependency better than the Mideast oil producers, who also know that oil money is their best weapon against Israel.

Israel cannot afford to compete with its neighbors in arms imports over the long run. It is already strapped with an enormous defense budget. That burden and the goal of keeping military superiority explain why Israel now calls for sharp cuts in arms exports to the Middle East.

To manage these eye-crossing interests and maneuvers over arms, the Bush Administration has developed the following approach:

Ban sales of chemical, biological and nuclear arms and related know-how, and the long-range missiles capable of delivering such weapons.

(Reasonable, but many Mideast nations already have some of these capabilities. Also missile exporters—North Korea and China, for example—will not abide by limits.)

Consider setting limits on sales of aircraft, tanks, artillery and smart missiles, but in the menatime sell what buyers want—"to see to it that they're secure," as Defense Secretary Cheney put it.

(As long as other suppliers do not restrain their sales, there is no sense putting ourselves at a competitive disadvantage.)

Argue that Iraq's defeat has diminished the biggest threat to all and that all can now safely buy less.

(A solid tactic, but the Administration already expects a substantial increase in demand from the victors.)

Negotiate confidence-building measures like Arabs dropping their economic boycott against Isreal and Israel providing better treatment for Palestinians.

(Sensible, but it will not reduce arms demands.)

Seek peace settlements between Arabs and Israel and between Israel and the Palestinians.

(An essential ingredient for eventual arms restraint on the Arab-Israeli front, but it does not deal with the inter-Arab quarrels, which also trigger demands for arms.)

CAN BUSH RESTRAIN THE MIDEAST?

The Administration's plan is practical and realistic. Too much so.

It is weighed down by business-as-usual realism. There seems nothing in it to exploit the death of the Soviet threat and the diminished value of Soviet arms sales. It contains little to suggest building on the victorious anti-Iraq coalition molded by Mr. Bush—or escaping the tragic history of Mideast arms races.

Mr. Bush is in a strong position to press other arms exporters for joint limits on sales and to link arms sales creatively with peace diplomacy. But to surmount this arms quagmire, he has to think bigger than his aides and put his new prestige on the line.●

## LIONS CLUB AWARENESS WEEK

● Mr. BRADLEY. Mr. President, the month of April is Lions Club Awareness Month in New Jersey. I ask my colleagues to join me in saluting the Lions Club for enriching the quality of life in communities across the country.

The Lions Clubs are an integral part of our communities. For 70 years, the Lions Club of New Jersey have touched the lives of thousands of citizens. As society changes, the Lions Clubs have evolved to confront new challenges. In New Jersey, they work to fight drug abuse through drug education. And since they were founded, the Lions Club has pioneered the effort to help the visually impaired to live up to their full potential.

Comprised of members of the business community, Lions Club members donate their time, energy and skills to help improve the lives of others. They answer the question, "What do I owe another human being?" with the most generous response. They deserve our respect and our gratitude as they mark 70 years of service and dedication.●

## ANNIVERSARY OF INDEPENDENCE OF BYELORUSSIAN DEMOCRATIC REPUBLIC

● Mr. METZENBAUM. Mr. President, I join Byelorussians throughout the United States and the world in celebrating the 73d anniversary of the independence of the Byelorussian Democratic Republic. We recently marked this milestone on March 24, 1991.

In 1918, the Byelorussian people proclaimed their freedom and right to self-determination by declaring an independent Byelorussian Democratic Republic. Their aspirations for freedom have survived for over 70 years, and have endured the hardest of economic and political hardships.

As the people of Byelorussia continue to fight for cultural independence and political integrity, it is important to remember the vision and commitment which have preserved the democratic movement in Byelorussia.

It is especially important to remember that the people of Byelorussia continue to fight for democracy and freedom. The recent political turmoil in the Soviet Union and the repression of regional democratic movements have threatened Byelorussian independence. The scourge of totalitarian repression has silenced the cultural, religious, and ethnic identity of too many nations for too long. Byelorussians worldwide have refused to be silent.

I salute the proud people of Byelorussia on the anniversary of their declaration of independence, with the hope that their dream of freedom will soon be realized.●

## TRIBUTE TO THURMAN PARSONS, RENO, NV.

● Mr. REID. Mr. President, I rise today to honor Thurman Parsons of Reno, NV. Thurman is the very essence of what makes our country great, a hard-working family man with a strong sense of community.

In 1920, at the age of 14, Thurman worked as a call boy for the Southern Pacific Railroad. Thurman retired from the Southern Pacific Railroad, 51 years later, having become the chief clerk of the freight office.

Thurman and his wife, Carol, had the pioneering spirit. When they built a home in South Reno, they had no running water. Chickens and rabbits ran in their yard. They worked hard, dug a well, and raised their children, Karen and Harry, in the dusty desert at the foot of the Sierras.

For most, this adventure would have been daunting. But not for Thurman. He felt he had been blessed and looked to share his gifts with his community.

Since 1945, Thurman has been active in the Masonic groups in northern Nevada, and has achieved the degree of master Mason. He is also active in the Order of the Eastern Star for the State of Nevada and has held the offices of worthy patron and grand sentinel. Thurman has also given his time to the Kerak Shrine Temple.

Many young and old northern Nevadans have benefited from Thurman's commitment to his community.

It is my privilege to honor him here on the Senate floor today.•

## A GOOD STUDENT STRUGGLING

• Mr. SIMON. Mr. President; we have been hearing from many students who face serious problems because of the way student aid has slipped in this country.

It is a tragic loss of resources.

I am inserting at the end of this statement a statement made to our subcommittee at a hearing in Chicago by James M. Bromfield, a student at Illinois Institute of Technology.

You will see the stuggle that he goes through. This is an above-average student.

When reading his statement, you can also see why so many fall through the cracks.

We simply cannot continue to tolerate this as a nation.

I ask to insert his statement into the RECORD, and I urge my colleagues to read it.

The statement follows:

TESTIMONY OF JAMES M. BROMFIELD

Thank you Senator Simon and members of the panel for giving me the opportunity to testify today. College financial aid is something that I feel very strongly about.

My name is Jim Bromfield. I'm a senior at Illinois Institute of Technology majoring in electrical engineering. I went to Bolingbrook High School in the suburbs of Chicago and did very well. I graduated 19th in a class of 423. I was in the honors track, and my grade-point average was 4.0 on a 4.0 scale. Without financial aid, I probably would not have been able to go to a four year university. My family income is between $40,000 and $50,000, and there are three children after me.

If I had not been able to get financial aid, I would have probably had to get a full-time job and attend junior college. As it is, I work at least 15 hours a week plus all summer. Financial aid has covered more than half of my education, but a good part of that aid has been loans. When I graduate in May, I will face the prospect of paying back debts totaling $17–18,000.

When I started colleage, tuition was just below $10,000. It's gone up about $500–$600 every year since. For four years, the total comes to something on the order of $40–$45,000—without housing. With housing, the total gets up to $55–60,000.

IIT gave me a dean's scholarship for $2,000 a year and, because of my grades, I was eligible for some financial aid through IIT endowed scholarships. I was also an Illinois State Scholar. That probably was the biggest help.

My first two years I also received federal money from the Pell Grant. The first year, it was $1,850. But the next year it was decreased to $650.

My junior year and senior years, I didn't get a Pell Grant. It was especially scary this year because the Illinois Student Assistance Commission initially told me that I was not eligible for any money from the state either. I wasn't sure what to do at that point because there was no way that my parents could help out. Paying for school has been my responsibility and will continue to be my responsibility after I graduate.

My freshman year, about $4,000 of my financial aid was a loan. It was about the same for my sophomore year. My junior year loan jumped to about $5,000. This year, I could only get $4,000 in loans. But because my housing and tuition expenses increased and my grants and loans did not, I am looking into other loan sources.

I'm not the only one who has a problem like this. Two of my fraternity brothers were ready to drop out of school because they didn't have the money. They were good students and they wanted to get their degrees. It was strictly an issue of finances.

I know I'm going to make it, but it's been a headache and something that's been on my mind. A lot of time and energy has been devoted to worrrying about my financial situation.

I've worked summer jobs all along: One summer in the kitchen of Homerun Inn. Two summers as a day camp counselor. Last summer, because of my coursework and experience at IIT, I was able to get a job with GM's Electro-Motive Division. They paid me substantially, and I thought that I had saved very well. I had hoped to have enough money for the entire year so I wouldn't have to work so much. I knew I was going to be taking a very heavy courseload of 20 credit hours in the fall. Twelve hours is considered full-time.

I was hoping that—since it was my senior year—I could devote my spare time to looking for a job and maybe taking it a little bit easier. I thought maybe I would even have some money to spend on other things. That didn't happen. I used up all my savings last semester for tuition and housing. Financial aid was so poor that when I got my award, I was just shocked. I didn't have any choice about what I would spend my savings on.

Since my freshman year I've also had to work during the academic year. I've probably been working an average of about 15 hours a week, but sometimes it gets up to 30 or 40. My first job was at the student union. After that I was a lab assistant in computer-aided drafting. When a job opened up in the admissions/financial aid office, I worked there for two years. I enjoyed encouraging students to go on with their education. Now, I'm working as a teaching assistant in our freshman computer literacy program.

Teaching is something that I wanted to look more seriously into—either at the college or high school level. I enjoy the feeling that I get when I can relate some of the things that I have learned. I like being able to help someone out, being in a position to encourage them to stretch further than they would have expected to go themselves.

But as far as jobs are concerned, when I graduate, I'm going to have to get a job that will enable me to pay back those loans. Once I make enough money, then I can maybe look into and go into teaching. I'm interested in graduate school, but I never really considered it a possibility because of the amount of money that I owe right now.

I've had good grades here in college, so I think I am in a fairly good position to find a job. I have probably more opportunity than most people at this point, but it is still kind of tentative, and I'm really feeling the pressure of finances. Things would have been a lot easier if I'd had more support.

I never expected a free ride, but I worked very hard, and when I get out I'm going to face a big debt. I'm glad I was able to manage, and that I had people to encourage me, but I think there has to be a better way to help people like me get their education.•

## MIDDLE EAST RELIEF EFFORTS

• Ms. MIKULSKI. Mr. President, I would like to speak in support of a more aggressive relief effort in the Middle East.

I do not want to discuss today the policy of whether or not we actively support the insurrection in Iraq. Or whether we support a separate Kurdistan or the separatist movements in Africa. Those are complicated issues for anther time.

Starvation is not a complicated issue. Neither is death from exposure.

As Americans, we cannot stand by and ignore the pictures of Kurdish refugees or the starving millions in Somalia, Ethiopia, and the Sudan.

Today we have tons of equipment in the region that can help these people. Tents, food, aircraft, generators.

We do not need a consultant to make a "needs assessment." We do not have time for studies.

We know what they need. We know what we have close by. The only question is how to deliver it.

I call on officials in the Agency for International Development and the Department of Defense to use all the creativity, resourcefulness, and common sense at their disposal to find a quick, efficient way to deliver desperately needed goods to these people.•

## LEE IACOCCA TO RECEIVE ENGINEERING SOCIETY OF DETROIT'S 1991 LEADERSHIP AWARD

• Mr. LEVIN. Mr. President, I am pleased that Lee Iacocca has been chosen to receive the Engineering Society of Detroit's 1991 Leadership Award. This honor is awarded to individuals for their significant contributions to the engineering profession, as well as support of education and research activities. Lee Iacocca is most deserving of this award. Lee's contributions range from helping educate disadvantaged children to improving our international competitiveness.

Lee's contributions to the State of Michigan are well known. He has helped revitalize the auto industry, creating jobs and bringing income to the State. He has also headed job creation and economic development commissions for the State. In addition to

these important achievements, Lee's efforts have touched the lives of many needy people. Lee has been involved in diabetes research efforts, and reading and literacy programs for the less fortunate among us.

Lee Iacocca has helped bring innovation to the auto industry, one of the more important sectors of our national economy. He has helped promote engineering education and innovation. He recognizes that to remain competitive we must always strive for the new, for the idea that can make a difference. He also recognizes that we can no longer rest on our laurels: innovation takes hard work. We must educate our children as well as our engineers so we can continue to remain competitive.

Let Lee Iacocca be an example to the child struggling with the basics of grammar that hard work pays off. But, let Lee Iacocca also be an example to our business and government leaders that innovation and a fresh approach also pay off.

As a citizen of the State of Michigan, and of the United States, I thank and applaud Lee Iacocca.●

## HONORING HILLIARD AND WEYERS

● Mr. KASTEN. Mr. President, it is with great pride that I rise today to honor two very important business leaders—Wally Hilliard and Ron Weyers of Green Bay, WI.

On April 8, Hilliard and Weyers received the Green Bay Rotary Club's Free Enterprise Award. This was the culmination of a long struggle by both of these men—a struggle in which they exemplified the highest virtues of a free-market society.

Wally Hilliard and Ron Weyers believe in perseverance, the pursuit of excellence, and a commitment to service. They founded American Medical Security less than 3 years ago and have already seen it crowned with success.

These men have done a great job—in bouncing back, and in providing an important service to the community. They deserve our warmest congratulations on their recent award.●

## THE 60TH ANNIVERSARY OF THE STAR SPANGLED BANNER

● Mr. SEYMOUR Mr. President, this year marks the 60th anniversary of the "Star Spangled Banner" as our country's national anthem, and it is with great pleasure that I ask my colleagues to join with me and the Committee for National Theatre Week in acknowledging its impact on our American way of life. Not only here in the United States, but worldwide, its words and music have come to represent our belief in freedom, justice, and equality and I hope it will continue to do so for many years to come.

Most Americans know of Francis Scott Key and how he came to write the words to our national anthem, but what most do not know is how Mr. Key's words were put to music. It was shortly after the Battle of Fort McHenry that Key's poem titled "The Defense of Fort McHenry" was published in Baltimore. The public, upon reading the poem, were touched by its patriotic theme and one person, in particular, while in a Baltimore tavern, began paging through sheet music and found that a popular tune of the time, "To Anacreon in Heaven," could accompany the poem perfectly.

The first public performance of the words and tune together took place in Baltimore's Holliday Street Theatre under the new title of the "Star Spangled Banner" by an actor named Mr. Hardinge.

Mr. President, in commemoration of those who so bravely fought during that past conflict and this most recent one, I request that Mr. Francis Scott Key's poem, "The Defense of Fort McHenry," be printed in its entirety following these remarks.

The poem follows:

Oh! say, can you see, by the dawn's early light, What so proudly we hailed at the twilight's last gleaming?
Whose broad stripes and bright stars, thro' the perilous fight,
O'er the ramparts we watched were so gallantly streaming?
And the rockets' red glare, the bombs bursting in air,
Gave proof thro' the night that our flag was still there.
Oh! say, does that star-spangled banner yet wave
O'er the land of the free and the home of the brave?
On the shore, dimly seen thro' the mist of the deep,
Where the foe's haughty host in dread silence reposes,
What is that which the breeze, o'er the towering steep,
As it fitfully blows, half conceals, half discloses?
Now it catches the gleam of the morning's first beam,
In full glory reflected, now shines on the stream.
'Tis the star-spangled banner. Oh! long may it wave
O'er the land of the free and the home of the brave!
And where is that band who so vauntingly swore
That the havoc of war and the battle's confusion
A home and a country should leave us no more?
Their blood has washed out their foul footstep's pollution.
No refuge could save the hireling and slave
From the terror of flight or the gloom of the grave,
And the star-spangled banner in triumph doth wave
O'er the land of the free and the home of the brave.
Oh! thus be it ever when freemen shall stand
Between their loved home and the war's desolation,
Blest with vict'ry and peace, may the Heav'n-rescued land
Praise the Pow'r that hath made and preserved us a nation.
Then conquer we must, when our cause it is just,
And this be our motto, "In God is our trust."
And the star-spangled banner in triumph shall wave
O'er the land of the free and the home of the brave.●

## HONORING JOHN R. SCHREITER

● Mr. KASTEN. Mr. President, I rise today to call the attention of my colleagues to the retirement of a very valuable public servant.

For 36 years, John R. Schreiter has been serving the people of Outagamie County, WI. For the last 12 years, he has been the county executive.

Mr. Schreiter's retirement will leave a large gap in the public life of Outagamie County. But we can all remain proud of his years of achievement—and wish him many years of happiness in his new situation.●

## KOREAN FIGHTER DEAL

● Mr. D'AMATO. Mr. President, the Korean fighter deal has just gone from bad to worse.

To those of us who opposed the FSX co-development project with Japan, and oppose this sale, the news that the General Dynamics F-16 has edged out the McDonnell-Douglas F/A-18 is hardly welcome. The Koreans have traded up. We're handing them one of our best designs.

Aerospace is our ace in the hole. We've played every other trade card. Are we so arrogant as to believe that if we teach the Koreans how to build aircraft that they will not challenge us in the marketplace with designs of their own?

Who gains from this deal? Certainly, General Dynamics. But what about the American people? How do they benefit from this latest technology transfer? For a few billion dollars in short-term profit shared by a tiny few, we will have widened the field of nations capable of producing sophisticated aircraft. The Koreans' infant aerospace industry may not be able to challenge United States aircraft manufacturers in 5 years, maybe not even in 10 years, but, given time, I have every confidence in the ability of Korean manufacturers to take us on.

We are selling, on the cheap, technology developed over decades at a cost of hundreds of billions of dollars to the American taxpayer. It is the American people who own this technology, not this corporation or that. The people whose hard-earned tax dollars paid for the F-16 must have a say in the use of that technology, or, in this case, its squandering in the name of greed.

If the point is to keep workers on the job for another year or two, I understand that. Let's keep them employed. But let's do it by increasing necessary

American defense expenditures. If we want to remain the best, if our aerospace products are to remain the envy of the world, then we should be willing to pay for it.

What we shouldn't do is keep American workers productive by subsidizing the development of the very competitors who will someday run us into the ground. We did it with automobiles, we did it with electronics, and we are starting to do it with aircraft. Make no mistake. The Koreans, as do the Japanese, understand the profitability of the aerospace market, have targeted that market for penetration, and, if we help them, will someday be selling to us the very products we once taught them to produce.●

## HONORING THE WISCONSIN 128 AIR REFUELING GROUP

● Mr. KASTEN. Mr. President, I rise today to alert my colleagues to some very important statements made recently by Air Force Lt. Gen. John B. Conaway. In testimony before the Defense Appropriations Subcommittee, General Conaway called the Air National Guard's Air Refueling Groups the unsung heroes of Desert Shield/Desert Storm.

He said, "The allied air accomplishments would not have been possible without air refueling provided by these units." The Wisconsin 128th Air Refueling Group was one of several groups cited by General Conaway for their excellent performance in the Persian Gulf.

It is an interesting and a fitting coincidence that General Conaway's remarks came on the same day as the 128th began their return from the Persian Gulf to Milwaukee. The remaining eight aircraft will be returning in ones or twos every day until April 15, when the last aircraft is scheduled to arrive.

Everyone is justifiably proud of the many accomplishments of the 128th. General Conaway's comments add to the praise already received for the great work of this fine group.●

## YOM HASHOAH—HOLOCAUST OBSERVANCE WEEK

● Mr. SEYMOUR. Mr. President, I rise today to join my colleagues in designating this week—April 7 through April 13, 1991—for reflections on the Nazi Holocaust.

The 6 million Jewish victims of Adolph Hitler's policies bear permanent witness to a legacy of repression and death. But I would like to suggest that we take some time to consider what the victims of the Holocaust taught us about the amazing endurance of faith.

It was in this truth, Mr. President, that the theologian Karl Rahner discovered the root strength of the Judeo-Christian ethic. In a hostile environment, Rahner observed, the diaspora staggered against the power of dictators but persevered as a community of faith because its members knew that accountability to the state was not the ultimate goal of a moral society.

Elie Weisel applied Rahner's theory to the experience of the Jews. His writing bemoans the fact that the Third Reich could storm the temple, lock the doors, and fill the box cars. But he also pointed out that the Nazis only made the spirituality of their captives more forceful, and the crowded camps represented not a victory for the political order, but the very weakness of its authority.

"Is it true," Alexander Solzhenitsyn asked the Harvard University graduates of 1978, "that man is above everything?" The pain and the fortitude of the Holocaust victims provides us with a powerful answer. In the same speech, Solzhenitsyn also challenged his privileged audience not to become "forgetful hearers, but doers of the word."

Our observance of Yom Hashoah must refresh our commitment not to hear and forget, but to listen and act. The horrid example of the Holocaust calls us to remind any aspiring oppressor that the world is watching and that the world cares. These martyred millions dared to hope that agony suffered by the just could yet bring victory. For them, Mr. President, let us win the battle.●

## HONORING THE ELKS OF NEENAH-MENASHA

● Mr. KASTEN. Mr. President, I rise today to commemorate a very significant anniversary. Last month, the Neenah-Menasha Elks Lodge 676 in Wisconsin's Twin Cities celebrated its 90th anniversary.

For nine decades, these Elks have been brightening the life of the whole Neehah-Menasha community.

In 1901, there were only 30 members; today, the roll stands at over 800. The steady growth of this organization bespeaks a truly committed attitude on the part of everyone involved.

I think they are setting a great example—and I ask my colleagues to join me in wishing them a very happy anniversary.●

## ASSYRIAN NEW YEAR

● Mr. SIMON. Mr. President, April 1, 1991, marked a historic day for the Assyrians throughout the world. Assyrian New Year is a time for all Assyrians to commemorate and reflect on their contributions to the world.

Assyria was one of the oldest civilizations recorded. Their famous settlements of Mesopotamia and Babylonia in the fertile crescent were springboards for modern culture. Today, Assyrians do not have a specific territory they call home, but they originate from several different countries in Near East Asia, and have settled throughout the world.

As a group the Assyrian-Americans have contributed greatly to our Nation's culture. Through many organizations such as the Assyrian Universal Alliance and the Assyrian Youth Alliance, the Assyrian people have made themselves a part of our heritage. Several well-known Assyrians, such as the artist Hannibal Alkhas, were educated in the United States and have contributed greatly to the arts and sciences of our universities. Many Assyrian scholarship funds have been set up to enable young Assyrian-Americans to attend institutions of higher learning. The value Assyrians place on education is an attribute that should be admired and emulated by all Americans.

This year, however, has been a difficult time for many Assyrian-Americans. The recent events in the Persian Gulf have given rise to discrimination against Arabs in the United States. For this reason Assyrian-Americans from my home State of Illinois canceled the annual Assyrian New Year parade held in downtown Chicago. I am saddened that these Assyrian-Americans felt the need to celebrate their new year privately for fear of retribution due to false association with Saddam Hussein. Racism against Arabs has no place in our country and I have cosponsored legislation designed to curb discrimination against Arab-Americans and other minorities.

In addition to the situation in the Middle East, the Assyrian people face another challenge. As every day goes by, more and more Assyrians are not allowed to emigrate to this country. As you may know, Congress meets semiannually with the Secretary of State to consult on refugee issues. As a member of the Senate Immigration and Refugee Affairs Subcommittee, I regularly take part in the consultation. I plan raising the concerns of the Assyrian people with Secretary Baker. If the consultation does not take place in a timely fashion, I will explore other ways in which our refugee admissions process can be receptive to the needs of the Assyrian people.

Although the Assyrians are not great in numbers, the contributions they have made to our society are significant and should be remembered and commended.●

## CONCERNING THE PROTECTION OF REFUGEES IN IRAQ—SENATE RESOLUTION 99

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 99, as modified, and placed over under the rule earlier today.

Mr. SPECTER. Mr. President, that is agreeable to this side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 99) concerning the protection of refugees in Iraq.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution, as modified.

The resolution (S. Res. 99) as modified, was agreed to.

The preamble was agreed to.

The resolution as modified, with its preamble, is as follows:

S. RES. 99

Whereas Kurds, Shiites and others throughout Iraq began an armed uprising against the government of Saddam Hussein;

Whereas since the uprising began Iraqi forces have employed indiscriminate force against civilian populations throughout the country, including the use of weapons such as napalm and phosphorous, and have killed thousands, and displaced and put at risk of starvation perhaps one million people;

Whereas the United Nations Security Council on April 5, 1991, adopted Resolution 688 which condemns the repression of Iraqi civilians and states that this repression threatens international peace and security in the region, demands that the Iraqi Government immediately end its repression of civilians, insists that Iraq allow immediate access by international humanitarian organizations to those in need of assistance and demands that Iraq cooperate with the Secretary General to address urgently the critical needs of the refugees;

Whereas the United Nations and the United States, as the leader of the international coalition opposing Iraqi aggression, have a unique responsibility and ability to address the plight of the Iraqi refugees; Now, therefore, be it hereby

*Resolved by the Senate*, That:

The Senate strongly condemns Iraq's continuing military atrocities, its slaughter of thousands of innocent civilians, and its blatant violations of international standards of human rights and the Fourth Geneva Convention of 1949;

The Senate calls for a United States policy in support of democracy and respect for human rights and international law in Iraq;

The Senate believes that the United States has a moral obligation to provide sustained humanitarian relief for Iraqi refugeees and urges the President to continue his efforts to garner international support for those fleeing Iraqi repression;

The Senate notes the assistance Turkey and Iran have provided to Iraqi refugees, encourages them to continue to assist the refugees in every appropriate manner, and pledges United States assistance to international relief efforts for the refugee populations;

The Senate calls upon the President immediately to press the United Nations Security Council to adopt effective measures to assist Iraqi refugees as set forth in Resolution 688 and to enforce, pursuant to Chapter VII of the United Nations Charter, the demand in Resolution 688 that Iraq immediately end its repression of the Iraqi civilian population. Such measures could include: (1) establishing temporary enclaves to provide sanctuary to those fleeing Iraqi troops, (2) developing procedures to verify the full implementation of any Iraqi Government offer of amnesty to Iraqi citizens, (3) maintaining economic sanctions against Iraq, and (4) using effective means to protect refugees pursuant to Article 42 of the United Nation Charter.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution, as modified, was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## EXECUTIVE SESSION

### THE EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar numbers 27, 28, and 66, and Nicholas Brady reported today by the Committee on Foreign Relations to be U.S. Governor of the European Bank for Reconstruction and Development.

I further 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.

Mr. SPECTER. Mr. President, that is agreeable to this side.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Arthur J. Hill, of Florida, to be an Assistant Secretary of Housing and Urban Development.

Jim E. Tarro, of New Mexico, to be an Assistant Secretary of Housing and Urban Development.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

The following-named persons to be members of the Defense base Closure and Realignment Commission for terms expiring at the end of the session of the 102d Congbress:

Arthur Levitt, Jr., of New York;

Robert D. Stuart, Jr., of Illinois; and

Alexander B. Trowbridge, of the District of Columbia.

EUROPEAN BANK FOR RECONSTRUCITON AND DEVELOPMENT

Nicholas F. Brady, of New Jersey, to be U.S. Governor of the European Bank for Reconstruction and Development.

STATEMENT ON NOMINATION OF JIM E. TARRO

Mr. DOMENICI. Mr. President, I am most pleased to ask the support of my colleagues for Jim Tarro's nomination to be Assistant Secretary for Administration at the U.S. Department of Housing and Urban Development.

Jim is an outstanding New Mexican who has established himself as a leader and truly competent administrator.

Mr. Tarro was active in New Mexico business circles as plant quality manager for the Digital Equipment Corp., in Albuquerque, NM, from 1981 through 1989. During that period, Jim was vice president of the Hispano Chamber of Commerce in Albuquerque and was named National Hispanic Engineer of the Year.

In New Mexico, I worked closely with Jim at the minority honors program at Luna Vocational-Technical Institute in Las Vegas. Jim was always a source of inspiration and dedication in matching qualified and talented Hispanic students with career opportunities in technical fields.

As founder of Rio-Tech and Tech Net in New Mexico, I found Jim a reliable and enthusiastic partner in finding better ways to tap New Mexico's scientific talents for application to private industry.

When Jim wanted to move from the private sector to the U.S. Department of Energy, I was most glad to back him all the way. Jim served the Department with distinction as the Director of Administration here in Washington, DC.

We now find that we need Jim's leadership talents in the U.S. Department of Housing and Urban Development where there is a major transition underway. Secretary Jack Kemp is doing his best to implement the Cranston-Gonzalez National Affordable Housing Act which will substantially change the way we assist low-income Americans to meet their housing and shelter needs.

Mr. President, I am confident that Jim's technical talents will serve Secretary Kemp and this Nation well.

As we invite more players into the arena of creating more affordable housing through the creative mix of public and private efforts, Jim's talents in both arenas will come into play.

Jim Tarro's solution-oriented attitude and capability will be most valuable as we seek new ground in solving this Nation's housing problems for those most in need.

Mr. President, I am proud of Jim Tarro. He is a most capable administrator who will serve this Nation well in the position of Assistant Secretary of HUD for Administration.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NOMINATION DISCHARGED FROM THE COMMITTEE ON GOVERNMENTAL AFFAIRS AND PLACED ON THE CALENDAR

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that the nomination of James F. Hoobler to be inspector general, Small Business Administration, be discharged from the Committee on Governmental Affairs; and placed on the calendar.

Mr. SPECTER. Mr. President, that is agreeable to this side of the aisle.

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

NATIONAL EDUCATION FIRST WEEK

JEWISH HERITAGE WEEK

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of House Joint Resolution 197, designating National Education First Week, and House Joint Resolution 134, designating Jewish Heritage Week, just received from the House; that the resolutions be deemed read a third time and passed; that the motion to reconsider passage of these resolutions be laid on the table and that the preambles be agreed to. I further ask unanimous consent that the consideration of these measures appear individually in the RECORD and any statements appear at the appropriate place.

Mr. SPECTER. Mr. President, that is agreeable to this side of the aisle.

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

The joint resolutions (H.J. Res. 197 and H.J. Res. 134) were deemed read a third time and passed.

AUTHORIZING THE USE OF THE ROTUNDA TO WELCOME THE DALAI LAMA

Mr. MITCHELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of House Concurrent Resolution 115 regarding the use of the rotunda now at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 115) authorizing the use of the rotunda of the Capitol for a ceremony of welcome for the Dalai Lama.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the concurrent resolution (H. Con. Res. 115) was considered and agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SOLAR, WIND, WASTE, AND GEOTHERMAL POWER PRODUCTION INCENTIVES ACT AMENDMENTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 21, S. 258 regarding the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 258) to correct an error in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. JOHNSTON. Mr. President, at the end of last year Congress enacted the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990. The intent of this act was to remove all size restrictions under the Public Utility Regulatory Policies Act of 1978 (Public Law 95-617) on small power production facilities that use solar, wind, waste, or geothermal resources, subject only to certain time limitations. However, because of a technical drafting error the legislation only removed size limitations for facilities that have power production capacities exceeding 80 megawatts. Facilities of 80 megawatts or less were unaffected. Under the law as it now stands, certain facilities between 30 and 80 megawatts do not receive regulatory exemptions that they would otherwise benefit from if they were larger than 80 megawatts. S. 258 would remedy this oversight and treat facilities larger and smaller than 80 megawatts in the same fashion.

I note that in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990 Congress addressed the treatment of small power production facilities affected by the act in circumstances where the Federal Energy Regulatory Commission [FERC] has not promulgated regulations to reflect the changes made by the act. It appears that the resolution of this issue may have been unnecessary. The Committee on Energy and Natural Resources did not address this issue in S. 258 because pending such rulemaking as FERC may choose to initiate, the Commission has the inherent authority to waive its existing regulations for good cause on a case-by-case basis.

The PRESIDING OFFICER. Is there further debate? If there be no further debate the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 258

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3(17)(E) of the Federal Power Act, as amended, is further amended by striking ", and which would otherwise not qualify as a small power production facility because of the power production capacity limitation contained in subparagraph (A)(ii)".

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE JOINT RESOLUTION 119—DESIGNATING APRIL 22, 1991, AS "EARTH DAY"

Mr. MITCHELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Joint Resolution 119, a joint resolution designating April 22, 1991, as Earth Day, introduced earlier today by Senators ROTH, GORE, and others.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 119) to designate April 22, 1991 as "Earth Day" to promote the preservation of the global environment.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration, and, without objection, the joint resolution will be considered to have been read the second time by title.

The joint resolution (S.J. Res. 119) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 119

Whereas the world faces an international environmental crisis which demands the attention of citizens of every nation of the world, including the United States, so that alliances can be built that transcend the boundaries dividing countries, continents, and cultures;

Whereas there is a need to confront environmental problems of increasing severity, including climate change, depletion of the stratospheric ozone layer, loss of forests, wetlands, and other wildlife habitats, acid rain, air pollution, ocean pollution, and hazardous and solid waste buildup;

Whereas it is important that the next generation be guided by a conservation ethic in all of its relations with nature;

Whereas education and understanding is necessary for individuals to recognize the environmental impact of daily living and to become environmentally responsible consumers by conserving energy, increasing recycling efforts, and promoting environmental responsibility in communities;

Whereas major public policy initiatives are necessary to cure the causes of environmental degradation, such as eliminating the manufacture and use of chlorofluorocarbons, minimizing and recycling solid wastes, improving energy efficiency, protecting biodiversity, promoting reforestation, and initiating sustainable development throughout the world;

Whereas nearly 21 years ago, millions of individuals in the United States joined together on Earth Day to express an unprecedented concern for the environment, and such collective action resulted in the passage of sweeping laws to protect the air, water, and land;

Whereas the 1990's should be observed as the "International Environmental Decade" in order to forge an international alliance in response to global environmental problems; and

Whereas to inaugurate the new environmental decade, individuals should again stand together in cities, towns, and villages around the world for a day of collective action to declare a shared resolve: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, that April 22, 1991, is designated as "Earth Day", and the people of the United States are called upon to observe the day with appropriate ceremonies and activities in our grade schools, high schools, colleges and local communities with the objective of making every day Earth Day.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## COMMENDING THE UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM

Mr. MITCHELL. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of Senate Resolution 93, a resolution commending the University of Tennessee Women's basketball team on their third NCAA title, and that the Senate proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 93) commending the University of Tennessee Women's Basketball Team on their third NCAA title.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 93) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 93

Whereas the women's basketball team of the University of Tennessee, the Lady Vols, have won three National Championships in the last five years, and

Whereas the Lady Vols have appeared in the Final Four of the NCAA Women's Basketball Tournament 11 times in the past 15 years, and

Whereas the Lady Vols have a streak of fifteen straight seasons in which they have won twenty or more games, and compiled a 30-5 mark in 1991, and

Whereas Pat Head Summitt, the coach of the Lady Vols, has compiled a record of 442 wins and only 118 losses in her seventeen years leading the Lady Vols, and

Whereas the players and coaches of the Lady Vols have a dedication to education that equals their zeal for the game of basketball,

Whereas the Lady Vols, under Pat Head Summitt, have achieved a virtually perfect graduation rate, and

Whereas the University of Tennessee's Lady Vols won the 1991 NCAA Women's Basketball Tournament Championship with a 70-67 overtime win over the University of Virginia: Now, therefore, be it

*Resolved*, That the University of Tennessee and Coach Pat Head Summitt are to be congratulated for an outstanding season.

SEC. 2. That the United States Senate congratulates Coach Pat Head Summitt and the Lady Vols on winning the NCAA Women's Basketball Tournament Championship for 1991 and becoming the first team ever to win three such titles.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## COMMENDING THE DUKE BLUE DEVILS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 100, submitted earlier today by Senators SANFORD, HELMS, and myself relating to the Duke University Blue Devils, the men's basketball team, on winning the NCAA title.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 100) to commend the Blue Devils of Duke University for winning the 1991 National Collegiate Athletic Association Men's Basketball Championship.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANFORD. Mr. President, I rise today to commend the Blue Devils of Duke University for their victory last week over the Kansas Jayhawks to win the 1991 National Collegiate Athletic Association men's basketball championship. As the former President of Duke University, it is with special pride that I congratulate the coaches and members of the Duke basketball team for their fine season and outstanding tournament play.

The Duke team played strongly throughout the tournament, and their upset of the top-ranked and undefeated Running Rebels of the University of Nevada-Las Vegas is certain to go down as one of the most exciting games in NCAA history. The ability of the young Duke team to bounce back from its defeat in last year's finals and defy virtually everyone's assumption that the UNLV team was unbeatable illustrates the sheer determination, ice-cold composure and athletic grace that the members of this team possess.

The Blue Devils strong record in the NCAA tournament is quite enviable. In fact, this year marks the ninth year that Duke has made it all the way to the Final Four. I don't believe any basketball team deserves to win the NCAA title more than Duke, and no one is more pleased than I am that this year the Blue Devils returned to Durham with the championship trophy.

Of particular note, the Duke team has reached the Final Four 5 of the last 6 years. The individual who deserves the most credit for this outstanding record is Coach Mike Krzyzewski who, by the way, also has the highest winning percentage among active coaches in the NCAA tournament with a 27-7 record.

Coach Krzyzewski came to Duke when I was President, and I have watched him build the Duke basketball program into what I would argue is the best program in the country. And Coach Krzyzewski deserves the highest accolades not only because he is such a gifted coach on the basketball court. He deserves tremendous praise because he has built such a competitive and successful program by focusing not on win-loss records but on the much more important goals of ensuring that each of his players receives a solid education and continues to grow as both an athlete and an individual.

In addition, I am very proud of all of the players on the Duke basketball team. Of course, I am proud of them because they are great athletes but I am even prouder because they are true student athletes in every sense of the word. They are bright, articulate individuals who have excelled not only on the basketball court but in the classroom, and I believe they serve as great role models for any of our Nation's youth who hope one day to participate in college athletics.

Throughout the season, the Duke players have shown evidence of tremendous character and leadership. In particular, I do not think any players should be more commended than the senior cocaptains of this team who became the first players to go to the NCAA Final Four for four consecutive years.

I also want to add that I have had the good fortune of having two of these players as well as one former player and current assistant coach as interns

in my Washington office. It has been exciting to see their interest in the political process, and these internships are only one example of the type of extracurricular activities that team members participate in to complement their academic and athletic careers.

Mr. President, let me just say in closing that the coaches and members of the Duke basketball team are all truly outstanding individuals. I am very glad to have the opportunity to publicly congratulate this team on its successful season, and I would now like to introduce a Senate Resolution commending the Blue Devils for winning the NCAA title.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 100) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 100

Whereas, for the first time in the history of the university, the Duke University Blue Devils won the National Collegiate Athletic Association Men's Basketball Championship; and

Whereas Duke University has consistently maintained one of the top basketball programs in the country; and

Whereas the Duke Blue Devils have reached the NCAA Final Four nine times, and the current head coach Mike Krzyzewski and his staff have led the Blue Devils to the Final Four five out of the last six years; and

Whereas Coach Krzyzewski holds the highest winning percentage among active coaches in the NCAA tournament with a 27-7 record; and

Whereas Coach Krzyzewski was also named NCAA Coach of the Year; and

Whereas the senior cocaptains of the Duke basketball team became the first players to go to the NCAA Final Four each of their four years; and

Whereas three members of the Duke team made the NCAA All-Tournament team, one was named first team All-American, one honorable mention All-American, and one freshmen All-American; and

Whereas the Blue Devils, before defeating Kansas in the final game, beat the University of Nevada-Las Vegas Running Rebels and ended their 45 game winning streak: Now, therefore, be it

*Resolved*, That the Senate commends the Duke University Blue Devils for winning the 1991 National Collegiate Athletic Association Men's Basketball Championship.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## HUMAN RIGHTS ABUSES IN BURMA

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 47, Senate Concurrent Resolution 18, a concurrent resolution expressing the concern of the Congress for the ongoing human rights abuses in Burma.

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

The concurrent resolution (S. Con. Res. 18) expressing the concern of the Senate for the ongoing human rights abuses in Burma and for the status of displaced Burmese and Burmese refugees, was considered, and agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON. RES. 18

Whereas since September 1988 the people of Burma have been subject to a military dictatorship which has suppressed massive prodemocracy demonstrations;

Whereas the State Law and Order Restoration Council has not transferred legal authority to a civilian government as required by the results of the May 1990 elections, in which the National League for Democracy received some 60 percent of valid votes cast and over 80 percent of parliamentary seats;

Whereas, on January 31, 1991, the United States Department of State submitted to the Congress its annual Country Reports on Human Rights Practices, and therein reported that Burma's deplorable human rights situation did not improve in 1990, citing torture, disappearances, arbitrary arrests and detentions, unfair trials and compulsory labor, among other violations.

Whereas the State Law and Order Restoration Council has led a campaign to decimate the National League for Democracy (NLD) through press attacks, blocked publications, office raids and the imprisonment of hundreds of NLD officials;

Whereas the Government of Burma has been hostile to outside scrutiny of its human rights record and has been unwilling to provide meaningful access to international and nongovernmental organizations concerned about human rights;

Whereas Burma has not met the certification requirements listed in section 802(b) of the Narcotics Control Trade Act of 1986;

Whereas an estimated fifty thousand Burmese have fled to the border between Thailand and Burma and at least two thousand Burmese students have fled to Bangkok since 1988; and

Whereas, while Thai authorities have permitted temporary safe haven to thousands of displaced Burmese and Burmese refugees in Thailand, the Government of Thailand has not yet permitted comprehensive United Nations protection and assistance for Burmese in Thailand: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That the Congress—*

(1) calls upon the State Law and Order Restoration Council to cede legal authority to a civilian government as mandated by the election of May 1990;

(2) condemns the arrest and detention of Burmese citizens for the peaceful expression of their political views;

(3) condemns the Government of Burma's disregard of human rights and fundamental freedoms;

(4) urges the President to impose additional economic sanctions upon Burma as specified in section 138 of the Customs and Trade Act of 1990;

(5) calls upon the United Nations Human Rights Commission to seek greater access to Burma for its Expert on human rights in Burma, and to continue and expand its scrutiny over the human rights situation in the country;

(6) urges the United States, through the Secretary of State, to affirm its support for the resettlement of Burmese asylum seekers who are without other safe and reasonable alternatives; and

(7) urges the Government of Thailand to accord all displaced Burmese and Burmese asylum seekers, temporary safe haven, protection against return of those who might face persecution or other threats to their lives or freedoms upon return to Burma, and access to procedures for third country resettlement for those Burmese refugees who are without safe and resonable alternatives.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, on behalf of Senator CRANSTON, I send an amendment title to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The title amendment is agreed to.

Amend the title so as to read:

Expressing the concern of the Congress for the ongoing human rights abuses in Burma and for the status of displaced Burmese and Burmese refugees.

## AUTHORIZING APPOINTMENT BY THE CHAIR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Chair be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort her excellency Violeta Chamorro, President of the Republic of Nicaragua, into the House Chamber for the joint meeting on Tuesday, April 16, 1991.

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

## AUTHORIZING TESTIMONY OF SENATE EMPLOYEES

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, I send to the desk a resolution of authorization of Senate employees to testify and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 101) to authorize testimony in the case of *United States* v. *Kim Peoples*, No. M7711-90.

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, the U.S. attorney for the District of Columbia is prosecuting a misdemeanor case titled United States versus Kim Peoples in the Superior Court for the

District of Columbia. The case concerns the theft of personal property belonging to an employee on Senator HELMS' staff from Senator HELMS' office in the Senate Office Building. The U.S. attorney needs the testimony at trial of two employees on Senator HELMS' staff, Frances Marcus and John Masburn, who have firsthand knowledge pertinent to the charge. This resolution would authorize these two employees, and any other Senate employee whose testimony in this case may be necessary, to testify.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 101) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 101

Whereas in the case of United States v. Kim Peoples, No. M7711-90, pending in the Superior Court for the District of Columbia, the United States Attorney has caused subpoenas for testimony at trial to be served upon Frances Marcus and John Mashburn, employees in the office of Senator Jesse Helms;

Whereas by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Frances Marcus, John Mashburn, and any other Senate employee whose testimony may be necessary, are authorized to testify at the trial of United States v. Kim Peoples.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## ORDERS FOR MONDAY, APRIL 15, 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Monday, April 15; that on Monday, 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. on Tuesday, April 16; that on Tuesday, April 16, following the time for the two leaders, there be a period for morning business, not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each.

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

## RECESS UNTIL MONDAY, APRIL 15, 1991, AT 10 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, and if the acting Republican leader has no further business, I now ask unanimous consent that as a further mark of respect to the memory of the late former Senator John Tower, in accordance with Senate Resolution 97, the Senate stand in recess, as under the previous order, until 10 a.m. on Monday, April 15.

There being no objection, the Senate, at 7:14 p.m., recessed until Monday, April 15, 1991, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate April 11, 1991:

DEPARTMENT OF STATE

JOHN E. BENNETT, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

THE JUDICIARY

EMILIO M. GARZA, OF TEXAS, TO BE U.S. CIRCUIT JUDGE FOR THE 5TH CIRCUIT VICE THOMAS M. REAVLEY, RETIRED.

SHARON LOVELACE BLACKBURN, OF ALABAMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

RICHARD T. HAIK, SR., OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA VICE JOHN M. DUHE, JR., ELEVATED.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE U.S. INFORMATION AGENCY FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER, MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

WILLIAM JOHN CONNOLLY, OF CALIFORNIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS 1, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

FRANK L. BREEN, OF WASHINGTON
GENE V. GEORGE, OF NEW YORK,
JOHN O'ROURKE, OF VIRGINIA
EDWIN D. STAINS, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

MERRITT C. BROWN, OF PENNSYLVANIA
HILARION ARNALDO MARTINEZ LLANES, OF FLORIDA

DEPARTMENT OF COMMERCE

JOHN EDGER PETERS, OF FLORIDA

AGENCY FOR INTERNATIONAL DEVELOPMENT

RICHARD L. BOGGS, OF TEXAS
JAMES R. BONNELL, OF VIRGINIA
FRANCIS KARL BUIGE, OF VIRGINIA
IDA GRIZZELLE SMYER, OF NEW YORK

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ANDREW DAVID SIEGEL, OF CALIFORNIA

DEPARTMENT OF AGRICULTURE

THOMAS BUHLER, OF THE DISTRICT OF COLUMBIA
JAMES R. DEVER, OF MARYLAND
LISA A. HARDY, OF CALIFORNIA
SUZANNE E. HEINEN, OF MICHIGAN
JEFFREY A. HESSE, OF VIRGINIA
JAMES J. HIGGISTON, OF NEW YORK
FRED R. KESSEL, OF WASHINGTON
PAUL KIENDL, OF VIRGINIA
DANIEL MARTINEZ, OF TEXAS
DAVID J. MERGEN, OF MISSOURI
GRAY W. MEYER, OF MARYLAND
EDWIN H. PORTER, OF VIRGINIA
JAMIE ROTHSCHILD, OF CALIFORNIA
LEON SCHMICK, OF MARYLAND
GREGG P. YOUNG, OF MARYLAND

DEPARTMENT OF COMMERCE

THOMAS PORTER CLARY, OF TEXAS
DAWN M. COOPER-BAHAR, OF MARYLAND
MARGARET A. KESHISHIAN, OF THE DISTRICT OF COLUMBIA

AGENCY FOR INTERNATIONAL DEVELOPMENT

DONA MARI DINKLER, OF KANSAS
NICHOLAS JENKS, OF NEW HAMPSHIRE
DIANA BRITON PUTMAN, OF PENNSYLVANIA
RICHARD O. WOODARD, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DAVID ARTHUR ACKERMAN, OF FLORIDA
KEVIN CROSBY AISTON, OF ILLINOIS
MELVIN THLICK-LEN ANG, OF CALIFORNIA
REID S. BAUMAN, OF ILLINOIS
ANGELINE BIEGLER, OF FLORIDA
JOANNA WATKINS BOURNE, OF FLORIDA
BRIAN L. BROWNE, OF FLORIDA
JENNIFER LEIGH BRUSH, OF VERMONT
DEIRDRE CHETHAM, OF NEW YORK
NANCY LYNN CORBETT, OF CALIFORNIA
SYLVIA REED CURRAN, OF ALASKA
DENNIS LACKEY CURRY, OF NEW YORK
BRYAN WAYNE DALTON, OF MINNESOTA
RAYMOND W. DILLON, JR., OF CONNECTICUT
JOHN ALBERT PLAYLE DYSON, OF GEORGIA
CECILIA BRIDGET ELIZONDO, OF TEXAS
JOHN JOSEPH FENNERTY, OF WASHINGTON
JOHN J. FINNEGAN, JR., OF PENNSYLVANIA
RANDOLPH HOWARD FLEITMAN, OF VIRGINIA
JULIE M. GARDNER, OF WASHINGTON
PAUL G. GILMER, OF CALIFORNIA
JERI SCHAEFFER GUTHRIE-CORN, OF CALIFORNIA
JOHN HENNESSEY-NILAND, OF THE DISTRICT OF COLUMBIA
HELEN CLARE HUDSON, OF MICHIGAN
BARBARA JEAN JOHNSON, OF SOUTH DAKOTA
SYLVIA DOLORES JOHNSON, OF SOUTH CAROLINA
GLORIA M. JORDAN, OF TEXAS
MATTHEW B. KAPLAN, OF NEW YORK
PETER FRANCIS MAHER, OF FLORIDA
CARLOS FELIPE MEJIA, JR., OF CALIFORNIA
DAN MCKENZIE MILLER, OF NEW JERSEY
PATRICIA G. NELSON-DOUVELIS, OF THE DISTRICT OF COLUMBIA
JEFFRY R. OLESEN, OF WEST VIRGINIA
ANDREW W. OLTYAN, OF TEXAS
WILLIAM JAMES ORR, JR., OF NEW MEXICO
MICHAEL S. OWEN, OF TENNESSEE
HOLLIS S. SUMMERS, OF TEXAS
PETER GEOFFREY TINSLEY, OF CALIFORNIA
KAREN EILEEN VOLKER, OF CALIFORNIA
MARY A. WRIGHT, OF CALIFORNIA

U.S. INFORMATION AGENCY

KIMBERLY G. HARGAN, OF THE DISTRICT OF COLUMBIA
MARY FRANCES SPEER, OF OHIO

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICES AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOSEPH F. AMMIRATI, OF VIRGINIA
CARL M. ANDERSEN, OF MARYLAND
LAURA BARTHOLOMEW, OF VIRGINIA
VALERIE A. BAUM, OF NEW JERSEY
VALERIE LOUISE BELON, OF ALASKA
MATTHEW T. BERRETT, OF VIRGINIA
DAVID WILLIAM BOYLE, OF VIRGINIA
SUSAN BRAWN, OF VIRGINIA
BRADLEY S. BRYSON, OF VIRGINIA
MICHAEL D. CAPPS, OF VIRGINIA
LISA MARIE CARLE, OF CALIFORNIA
MARGARET CERES, OF VIRGINIA
KEITH M. CURTIS, OF VIRGINIA
JEFFREY F. DELAURENTIS, OF NEW YORK
MATTHEW B. DEVER, OF THE DISTRICT OF COLUMBIA
JOSEPH STANTON DORSEY, OF VIRGINIA
ELLIS MERRILL WALKER ESTES, OF CALIFORNIA
ERIC PETER FABIAN, OF VIRGINIA
GINA C. FADDIS, OF VIRGINIA
LAURA ANN FARNSWORTH, OF TEXAS
LAURIE KIM FASSETT, OF TEXAS
SUSAN JOY FEIN, OF MARYLAND
RICHARD B. FISHER, OF OHIO
JEANNE L. FOSTER, OF VIRGINIA

ERIK D. FREESTONE, OF WYOMING
MARK EDWARD FRY, OF MICHIGAN
JULIANNE M. FURMAN, OF TEXAS
KELLI ANN HAMILTON, OF VIRGINIA
JOHN V. HANKE, OF THE DISTRICT OF COLUMBIA
EDWARD D. HANSON, OF VIRGINIA
MARY VAETH HANSON, OF VIRGINIA
JOHN CHRISTOPHER HARPOLE, OF MASSACHUSETTS
AMY KATHLEEN HARRIES, OF ARIZONA
REGINA HART, OF VIRGINIA
GREGORY N. HICKS, OF MARYLAND
COLLEEN ANNE HOEY, OF VIRGINIA
KAREN L. HOLLERICH, OF VIRGINIA
JASON H. HOROWITZ, OF CALIFORNIA
PATRICK HUGHES, OF THE DISTRICT OF COLUMBIA
MARY L. JOHNSON, OF VIRGINIA
ROBERT J. JOHNSON, OF MARYLAND
DEBRA A. JUNCKER, OF INDIANA
EDGARD DANIEL KAGAN, OF ILLINOIS
JEFFREY R. KATZ, OF VIRGINIA
KELLIE LYNN KENNEY, OF VIRGINIA
JOHN D. KILGORE, OF VIRGINIA
JAMES WERNER LEAF, OF WASHINGTON
JOSEPH Y. LEE, OF MARYLAND
PAMELA S. LOW, OF VIRGINIA
ANTHONY L. LUSITANI, JR., OF CONNECTICUT
HUGH A. MACNEIL, JR., OF MARYLAND
MICHAEL PETER MACY, OF CALIFORNIA
REBECCA L. MANN, OF THE DISTRICT OF COLUMBIA
MARYANNE THERESE MASTERSON, OF VIRGINIA
MICHAEL J. MASTRANGELO, OF TEXAS
FLEMING W. MATHEWS, OF MARYLAND
AROOSTINE S. MCDOWELL-LONG, OF VIRGINIA
FORREST E. MCMUNN, OF VIRGINIA
RONALD K. MORGAN, OF TEXAS
W. HOWIE MUIR, OF CONNECTICUT
RICHARD WILLIAM O'BRIEN, OF MARYLAND
REICHEL D. OGATA, OF VIRGINIA
DENNIS A. OLECHNA, OF MARYLAND
LEAHSENETH LACEY O'NEAL, OF THE DISTRICT OF COLUMBIA
LESLIE MARIE PADILLA, OF NEW MEXICO
ALAN L. PATTERSON, OF VIRGINIA
MARTHA E. PATTERSON, OF NEW YORK
DONALD D. PATTESON, III, OF TEXAS
DUANE M. PAULUS, OF VIRGINIA
AVRAHAM RABBY, OF NEW YORK
MICHAEL J. RAIOLE, OF VIRGINIA
CHERYL J. RATHBUN, OF THE DISTRICT OF COLUMBIA
PHILIP C. RAVELING, OF VIRGINIA
SARAH E. RAY, OF VIRGINIA
A. JACKSON RICH, JR., OF VIRGINIA
POLLY ELIZABETH ROBERTS, OF VIRGINIA
DANIEL A. ROPP, OF SOUTH DAKOTA
RICHARD ROTHMAN, OF NEW HAMPSHIRE
J. BRINTON ROWDYBUSH, OF OHIO
MARILYNN WILLIAMS ROWDYBUSH, OF OHIO
ANDREW I. RUDMAN, OF THE DISTRICT OF COLUMBIA
DAVID CRAIG RUSSELL, OF THE DISTRICT OF COLUMBIA
CYRIL EPHRAIM SARTOR, OF VIRGINIA
MICHAEL D. SCANLAN, OF PENNSYLVANIA
LAURIE A. SCHIVE, OF VIRGINIA
DAVID LESTER SCOTT, OF TEXAS
MARK WAYNE SEIBLE, OF KANSAS
JOYCE VESTA SEUNARINE, OF MARYLAND
CHARLES L. SHAFFER, OF MARYLAND
DAVID S. SHEKMER, OF VIRGINIA
CHARLES SKIPWITH SMITH, OF TEXAS
THOMAS D. SMITHAM, OF CALIFORNIA
CLIFFORD TEUNIS GERRITT SORENSEN, OF CALIFORNIA
EDWARD GEORGE STAFFORD, OF TENNESSEE
EDWARD D. STERN, OF VIRGINIA
STEPHEN STERNHEIMER, OF MARYLAND
JOANNE STONE-RIVER, OF VIRGINIA
HARRY R. SULLIVAN, OF FLORIDA
AMERICO TADEU, OF NEW JERSEY
MARY JANE TEIRLYNCK, OF CALIFORNIA
SEAN TERRY, OF CALIFORNIA
THOMAS M. TROY, JR., OF VIRGINIA
HOLLY E. URUNGU, OF VIRGINIA
OTTO HANS VAN MAERSSEN, OF ARIZONA
PETER HENDRICK VROOMAN, OF NEW YORK
JOHN MARTIN WEISS, OF VIRGINIA
DAWN WELFARE, OF MARYLAND
SIMONE WHITTEMORE, OF WASHINGTON
CHARLES F. WILSON, OF VIRGINIA
WHITNEY JOHN WITTEMAN, OF CALIFORNIA
ELAINE SAMSON YANNOTTI, OF NEW YORK
ANDREW ROBERT YOUNG, OF CALIFORNIA

CONSULAR OFFICERS OF THE UNITED STATES OF AMERICA:

KENNETH C. KOWALCHEK, OF CONNECTICUT
DONALD E. MASON, OF VIRGINIA

SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN MICHAEL CROW, OF CALIFORNIA
IRA E. KASOFF, OF MASSACHUSETTS
PAUL C. MAXWELL, OF MARYLAND
ANDREW P. WYLEGALA, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE NOVEMBER 19, 1989:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

CHARLES BOWMAN JACOBINI, OF ILLINOIS

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE THE EFFECTIVE DATE OF THE 1990 STATE SENIOR FOREIGN SERVICE PROMOTION LIST:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

FREDERICK A. MECKE, OF FLORIDA

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

*To be assistant surgeon*

ALAN H. ARBUCKLE
KATHERINE H. CIACCO
PATRICK H. DAVID
KAREN L. PARKO
MARY C. PORVAZNIK
JAMES E. OLSON
TAMIKO N. OLSON
KENNETH SOWINSKI
PAUL H. STEVENS
MICHAEL G. WILCOX

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

*To be medical director*

JAMES R. ALLEN
SAMUEL BRODER
JAMES W. CURRAN
JEFFREY P. KOPLAN
EDWARD D. MARTIN
BERNARD MOSS
FRANK E. YOUNG

*To be senior surgeon*

MITCHELL L. COHEN
STEPHEN P. HEYSE
SAMUEL L. KESSEL
CHARLES Q. NORTH
MARK W. OBERLE
STEPHEN B. PERMISON
GERALD V. QUINNAN, JR.

*To be surgeon*

PAUL J. SELIGMAN
ROBERT V. TAUXE

*To be senior assistant surgeon*

ANDERSON B. FUNKE

*To be dental director*

WILLIAM L. CLOUD, JR.
WOODROW B. LACKEY
DONALD C. SMITH

*To be senior dental surgeon*

STEPHEN B. CORBIN
DUSHANKA V. KLEINMAN
WILLIAM R. MAAS
VICTOR A. PALMIERI
WALLACE G. SMITH, III
DANIEL L. SPETH

*To be dental surgeon*

HORACE HARRIS
DAVID J. HERMAN
MARK E. NEHRING

*To be nurse director*

JOHN P CROWLEY
ROSALYN T. CURTIS
CECELIA U. REID

*To be senior nurse officer*

SANDRA B. COSTA
MARIANNE M. DAVENPORT
DEBORAH J. SHERMAN

*To be nurse officer*

THEODORE W. CURRIER, III
JAMES C. MCCANN
DEBORAH L. PARHAM
DOROTHY J. SOLICK
MARILYN J. VRANAS

*To be senior assistant nurse officer*

ELLEN J. KING
KITTY R. MACFARLANE

*To be engineer director*

CHARLES O. DOWELL
LARRY S. GAYNOR
NELSON A. LEIDEL
GARY K. RADTKE

*To be senior engineer officer*

PAUL A. BOYS
TERRY L. CHRISTENSEN
ROY M. FLEMING
ALBERT E. RACHAL,III
WINSTON A. SMITH
GORDON H. WILCOX

*To be engineer officer*

JAMES G. HOPSON
WILLIAM B. KNIGHT
MARVIN L. WEBER

*To be scientist director*

MARILYN A. FINGERHUT
DAVID G. HATTAN
NEIL L. SASS
DAVID T. TINGEY

*To be senior scientist*

RONALD F. CAREY
BRYAN D. HARDIN
GEORGE P. HOSKIN

*To be scientist*

JOHN M. SPAULDING

*To be sanitarian director*

BRUCE R. CHELIKOWSKY

*To be senior sanitarian*

KENNETH W. HOLT
BARRY S. STERN

*To be sanitarian*

JON S. PEABODY
RALPH T. TROUT

*To be veterinary director*

ROSCOE M. MOORE, JR.

*To be veterinary officer*

RICHARD F. CULLISON

*To be pharmacist director*

FREDERICK J. ABRAMEK
DAVID A. APGAR
DONALD C. THELEN

*To be senior pharmacist*

THOMAS J. AMBROSE
GERALD M. BURGE
ROBERT DECHRISTOFORO
JAMES E. EDGE
TERRANCE L. GREEN
SAMUEL M. HOPE
JAMES C. MYERS
ROBBIN M. NIGHSWANDER
FRANKLIN D. STOTTLEMYER
FRANKIE L. SUTTON

*To be pharmacist*

GARY G. ADAM
MARION T. BEARDEN
PATRICK O. COX
MARILEE J. FIX
PATRICK S. HOGAN
YANA R. MILLE
JAMES M. THOMPSON

*To be dietitian director*

CAROLYN C. BLACKWOOD

*To be senior dietitian*

BEVERLY G. CRAWFORD

*To be dietitian*

KAREN A. HERBELIN

*To be therapist director*

GENE A. DIULLO

*To be senior therapist*

GARY C. HUNT

*To be therapist*

IVANA R. WILLIAM

*To be health services director*

JAMES H. BRANNON, JR.
JOAN E.P. HOLLOWAY
ROBERT C. JACKSON
PATRICIA D. MAIL
JAMES W. ROLOFSON

*To be senior health services officer*

GENE E. CARNICOM
JOSEPH GARCIA, JR.
JOHN R. HAMMOND
EARL H. HANDWERKER
LEE H. LOOMIS
EDWARD F. MANNY
ROBERT J. OSTROWSKI
JON M. RASMUSSEN

*To be health services officer*

VICTOR N. AVITTO
PATRICIA E. BROOKS
HAMILTON L. BROWN
WESLEY W. CHARLTON
PAUL HEWETT
WENDELL E. WAINWRIGHT

*To be senior assistant health services officer*

BEVERLY A. ROTH

IN THE ARMY

THE U.S. ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

*To be major general*

BRIG. GEN. ARTHUR H. BAIDEN, III [redacted]
BRIG. GEN. ALVIN BRYANT [redacted]
BRIG. GEN. JOHN H. CAPALBO [redacted]

*To be brigadier general*

COL. FRANK M. BROWN [redacted]
COL. JOHN G. PAPPAS [redacted]
COL. HERBERT KOGER, JR. [redacted]
COL. EARL B. BURCH [redacted]
COL. BILLY F. JESTER [redacted]

IN THE NAVY

THE FOLLOWING-NAMED CAPTAIN IN THE COMPETITIVE CATEGORY OF CHAPLAIN CORPS OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

CHAPLAIN CORPS

*To be rear admiral (lower half)*

CAPT. DONALD K. MUCHOW, [redacted] U.S. NAVY

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE

*To be lieutenant colonel*

MAJ. JOHN B. COOPER, xxx-xx-x... 7/12/90
MAJ. JOHN DECROO, JR., xxx-xx-x... 6/10/90
MAJ. MARK FREDENBURGH, xxx-xx-x... 7/15/90
MAJ. MICHAEL R. GOODMAN, xxx-xx-x... 6/12/90
MAJ. BRIAN K. GRIFFIN, xxx-xx-x... 7/11/90
MAJ. BRUCE D. HALVORSEN, xxx-xx-x... 7/8/90
MAJ. JAMES B. HAMILTON, xxx-xx-x... 7/8/90
MAJ. JOSEPH M. HARDISON, xxx-xx-x... 7/16/90
MAJ. LARRIE B. HARLAN, xxx-xx-x... 6/12/90
MAJ. DARRELL E. HART, xxx-xx-x... 6/8/90
MAJ. MARK H. JONES, xxx-xx-x... 7/20/90
MAJ. SYDNEY W.C.K. KELIIFULBOLE, xxx-xx-x... 7/15/90
MAJ. ROBERT T. LINCOLN, xxx-xx-x... 7/8/90
MAJ. DANIEL W. REDLIN, xxx-xx-x... 7/14/90
MAJ. GLEN A. WEGWORTH, xxx-xx-x... 7/8/90

NURSE CORPS

*To be lieutenant colonel*

MAJ. SUSAN M. TOMKA, xxx-xx-x... 6/9/90

DENTAL CORPS

*To be lieutenant colonel*

MAJ. LAWERENCE K. RAY, xxx-xx-x... 7/15/90

JUDGE ADVOCATE GENERALS DEPARTMENT

*To be lieutenant colonel*

MAJ. PAUL D. BOESHART, xxx-xx-x... 7/1/90
MAJ. WILLIAM M. EKADIS, II, xxx-xx-x... 6/29/90
MAJ. JOHN R. HALUCK, xxx-xx-x... 7/7/90

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE

*To be lieutenant colonel*

MAJ. GEORGE W. BOWEN, xxx-xx-x... 5/1/90
MAJ. WILLIAM J. BURNS, xxx-xx-x... 5/15/90
MAJ. RONALD E. CARDIN, xxx-xx-x... 5/5/90
MAJ. BERNARD E. COX JR., xxx-xx-xx... 5/1/90
MAJ. JOHN G. COZAD, xxx-xx-x... 5/10/90
MAJ. JOHN C. FARRELL, xxx-xx-x... 4/8/90
MAJ. JOHN B. HANDY, xxx-xx-x... 5/23/90
MAJ. EDWARD A. HASLER, xxx-xx-x... 4/16/90
MAJ. RICHARD B. MARINO, xxx-xx-x... 4/2/90
MAJ. CRAIG R. MCKINLEY, xxx-xx-x... 5/16/90
MAJ. WENDELL W. PARMER, xxx-xx-x... 5/9/90
MAJ. RONNIE C. PORTIS, xxx-xx-x... 3/30/90
MAJ. JEFFREY D. SCHJODT, xxx-xx-x... 5/19/90
MAJ. KARRIE E. SINKAVICH, xxx-xx-x... 4/26/90
MAJ. MILLARD F. SLOAN JR., xxx-xx-x... 4/16/90
MAJ. JAMES E. THORNELL, xxx-xx-x... 5/5/90
MAJ. DEAN F. WHEELER JR., xxx-xx-x... 5/6/90
MAJ. DAVID S. ZELENOK, xxx-xx-x... 4/8/90

MEDICAL CORPS

*To be lieutenant colonel*

MAJ. WILLIAM J. DUNN, xxx-xx-x... 5/5/90
MAJ. JAMES R. HILDEBRAND, xxx-xx-x... 5/6/90
MAJ. SAMUEL R. SCARBRO, xxx-xx-x... 4/18/90
MAJ. PAUL M. STROMBORG, xxx-xx-x... 5/5/90

DEPARTMENT OF COMMERCE

PRESTON MOORE, OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF COMMERCE. (NEW POSITION)

## CONFIRMATION

Executive nominations confirmed by the Senate April 11, 1991:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ARTHUR J. HILL, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

JIM E. TARRO, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

NICHOLAS F. BRADY, OF NEW JERSEY, TO BE U.S. GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR TERMS EXPIRING AT THE END OF THE FIRST SESSION OF THE 102D CONGRESS:

ARTHUR LEVITT, JR., OF NEW YORK
ROBERT D. STUART, JR., OF ILLINOIS
ALEXANDER B. TROWBRIDGE, OF THE DISTRICT OF COLUMBIA

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.