HOUSE OF REPRESENTATIVES—*Tuesday, May 14, 1991*

The House met at 12 noon.

Rev. Russell Brandt, pastor, the First Presbyterian Church, Cadillac, MI, offered the following prayer:

"Holy, holy, holy, is the Lord God Almighty, who was and is and is to come!" We pray for Your wisdom as we open this day of decisionmaking representing the people of our country. Creator of the universe and ruler of all nations, we pray that our decisions today will increase peace within our Nation, and for all nations of the world. As You, O God, heard the cries of the oppressed, may we upon the hill of justice, hear and respond to the voices of our people crying out for deliverance. We pray for the health of our President, cooperation among the Nation's leadership, and the well-being of our people. Hear our prayer in the name of Him who is the first and last. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. TORRES] please come forward and lead the House in the Pledge of Allegiance.

Mr. TORRES led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2251. An act making dire emergency supplemental appropriations from contributions of foreign governments and/or interest for humanitarian assistance to refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait and for peacekeeping activities, and for other urgent needs for the fiscal year ending September 30, 1991, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 429. An act to amend the Sherman Act regarding retail competition;

S. Con. Res. 34. Concurrent resolution authorizing the 1991 Special Olympics Torch Relay to be run through the Capitol Grounds; and

S. Con. Res. 36. Concurrent resolution thanking and commending this Nation's Federal civilian employees for their contributions to Operation Desert Shield and Operation Desert Storm.

EMPLOYMENT AND REEMPLOYMENT RIGHTS OF RESERVES AND NATIONAL GUARD

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

Mr. MAZZOLI. Mr. Speaker, later today we will have an opportunity to vote on H.R. 1578, a bill which is being brought up from the Committee on Veterans' Affairs dealing with the employment and reemployment rights of people who serve in our Reserves and National Guard.

This is a very important bill, Mr. Speaker, and I hope it passes unanimously. It would reflect, I think, the feeling of this Chamber and of the country that we owe a great debt of gratitude to the men and women who went to Desert Storm from our Reserves and National Guard.

They, of course, leaving jobs and leaving positions in schools are going to go back to those jobs and schools and need a little bit of additional protection in resuming their civilian lives. So I hope that our colleagues concentrate on this bill, focus on it.

I think H.R. 1578 would be not only an important step forward as a legislative plan, but I believe it would signify our respect and our thanks to the people who served us so well in the gulf.

H.R. 1—BARRIER TO JOB CREATION

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

Mr. BALLENGER. Mr. Speaker, like many other Members of the House, the vast majority of the jobs in my district come from small business. According to the National Federation of Independent Business [NFIB], they hire a larger percentage of women, minorities, and the elderly than large business, since these groups make up the largest percentage of new entrants into the workplace.

I fear that, in this time of recession and job shortage, H.R. 1 would act as a barrier to job creation. H.R. 1 sets up some impossible standards for employers to meet. Small employers don't use head hunters, and they do not rely on personnel directors. Instead, small firms use references, drive, and personnel initiative—all subjective criteria. H.R. 1 would throw out these traditional methods and make it impossible for a small employer to legally defend hiring decisions, and subject them to the possibility of huge monetary damage claims that could put small firms out of business.

H.R. 1 also sets up a situation where, in order to avoid these penalties, employers will ensure that their "numbers" match up. Mr. Speaker, that is a quota system and that hurts job creation. By definition, it takes opportunity away from some employees.

Let's not allow H.R. 1 to create a barrier to job growth in this country. I urge my colleagues to oppose H.R. 1.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES FOR JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

The SPEAKER. Pursuant to the provisions of section 114(b) of Public Law 100-598, the Chair appoints the gentleman from Mississippi, Mr. ESPY, to the board of trustees for the John C. Stennis Center for Public Service Training and Development for a term of 6 years on the part of the House.

RESIGNATION OF MEMBER FROM BOARD OF TRUSTEES OF JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

The SPEAKER laid before the House the following communication from the Honorable TRENT LOTT:

U.S. SENATE,
Washington, DC, April 17, 1991.

Hon. BOB MICHEL,
Washington, DC.

DEAR BOB: By means of this letter I would like to submit my resignation as a member of the Board of Trustees of the John C. Stennis Center for Public Service Training and Development to be effective immediately.

I have enjoyed serving on this board and appreciate your appointing me to be a member of this group. Thank you for your assistance in this matter and with warmest best wishes, I am

Sincerely yours,

TRENT LOTT.

□ This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER laid before the House the following communication from the Honorable BOB MICHEL, Republican leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 16, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 114(b), Public Law 100-598, I hereby appoint the following to serve as a member of the Board of Trustees of the John C. Stennis Center for Public Service Training and Development for the remainder of the term of the existing vacancy:

Mrs. Sheila Smith of Lony Beach, Mississippi.

Sincerely yours,

BOB MICHEL,
Republican Leader.

APPOINTMENT AS REPRESENTATIVE OF STATE GOVERNMENT TO NATIONAL COMMISSION ON INFANT MORTALITY

The SPEAKER. Pursuant to the provisions of section 203 of Public Law 99-660, as amended by Public Law 100-436, the Chair and the majority leader of the Senate jointly appoint Governor Ann Richards of Texas to serve as a representative of State Government to the National Commission on Infant Mortality to fill the existing vacancy thereon.

SUPPORT FOR FREE-TRADE AGREEMENT

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

Mr. TORRES. Mr. Speaker, contrary to President Bush's assertions yesterday at Hampton University, that those that oppose fast track are anti-Mexican, I want to stand before you today and say that I want all to know that I am a Mexican-American.

First of all, I favor increased trade between Mexico and the United States. In fact, I believe that an eventual lowering of all trade barriers, licenses and regulations to trade between our two countries is inevitable.

Furthermore, as Mexico continues to restructure its economy, a complementary economic relationship between our two nations will be welcomed.

Mr. Speaker, the only bias that I have is that I want a free trade agreement that will benefit workers, not just profits. I want a free trade agreement that will protect public health and safety, not one that will ignore our environmental laws and our ecology.

Mr. Speaker, I want consumer protection and the respect for our domestic laws. I want a free trade agreement that will place the Congress as respresentatives of the American people in a meaningful role.

I cannot now conclude that the fast-track procedure gets us where I think we all want to go.

AMERICA'S WEALTHIEST GOT WEALTHIER

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

Mr. SMITH of Florida. Mr. Speaker, in the last decade, under the watchful eye of the Reagan-Bush administrations, things went well for 1 percent of the people in this country.

Over the past 10 years America's wealthiest got wealthier. Their income tax rate went down and their incomes went up.

The rest of us, however, got squeezed.

The number of American children living in poverty grew almost 20 percent.

In 1990, the top 10 executives in the U.S. earned an average $19 million each—that is merely 950 times what the average American worker makes. Mr. Speaker, that is Reagan-Bush legacy.

In fact, the richest 1 percent of this country have more money than the bottom 40 percent—that means that 2.5 million people have more money than 100 million people.

And what have the administration officials been doing about it? They have been skiing. They have been proposing a capital gains tax cut for the rich. They have done everything in their power to help the rich at the expense of the rest of us.

It is past time to do something about it.

Democrats want tax relief for working families, tax relief that will help turn the recession around and create jobs while not violating the budget agreement. And we are going to make it happen.

SUPPORT URGED FOR PRESIDENT'S CIVIL RIGHTS BILL

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

Ms. MOLINARI. Mr. Speaker, I rise today to speak against H.R. 1, the Democrats' proposed civil rights bill. You know, the bill that last year was an attempt to insure fairness to racial minorities. You may not recognize it this year; it is the same bill, but the PR is targeted toward this year's special interest: women.

H.R. 1, regardless of title change, remains a quota bill. No, you do not see the word "quota" in the language. But if we allow anyone to scan the racial, gender, and religious makeup of a company's employees to determine if a statistical imbalance exists, and if we then allow that person to proceed with legal action to correct the imbalance, we are forcing every employer to consider color, sex and creed when hiring.

If we are not cooking up a recipe for quotas—what are we brewing? Certain economic disaster. Racial, religious and gender resentment.

Even the Democratic leadership conference recognizes the political and practical pitfalls inherent in endorsing H.R. 1. In their meetings last week, they correctly went only as far as endorsing "equal opportunity, not equal outcome"—a result that could be derived from the President's civil rights bill.

This bill's name does not change and its focus remains constant—that is because its focus is on all Americans. And that is how it should be. I urge my colleagues to support H.R. 1375.

TAXPAYERS NEED JUSTICE IN S&L RIPOFF

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

Mr. TRAFICANT. Mr. Speaker, they say that a man named Bill Oldenburg stole $22 million from his own savings and loan in Salt Lake City.

At trial, though, Oldenburg said he had no money and no attorney, and the judge appointed him a free attorney at taxpayers' expense. Now, if that does not starch your laundry, while the trial is going on, Oldenburg rented the most expensive hotel suite in all America, $6,000 a night in San Francisco, with a billiard room, a dining room that seats 50 people, 4 bathrooms with gold-plated fixtures, and a 2-story library, Mr. Speaker.

I say this is ridiculous, while the taxpayers have to pay the $22 million, they have to pay for an attorney for this guy. I say Oldenburg should get a suite all right, with a concrete commode and a cement floor in Alcatraz, and maybe the taxpayers will get some justice in this savings and loan ripoff.

TIME HAS COME FOR TERM LIMITATION

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

Mr. KLUG. Mr. Speaker, I rise today in support of my fellow term-limitation supporters in the State of Texas. This time my hat goes off to the residents of the city of San Antonio, the 10th largest city in the country.

San Antonio is a long way from Wisconsin, but what the people in San Antonio did today is to send a strong message to the Members of this House and a strong message to both State legislatures and city councils across America. The city council in San Antonio and the mayor are now limited to two terms each. It was an idea opposed by

business leaders, labor unions, and both major newspapers, but when the votes were counted, the measure passed by a margin of 65 percent.

In fact, if we look at the Gallup polls across the country, 70 percent of the American people support the idea of limiting terms. The residents in California, Oklahoma, and Colorado became the first States in the country last time out to pass term limits.

Today I am delighted to tell the Members that 15 more States will take a look at that idea this fall, and this afternoon in my hometown of Madison, WI, an initiative will be launched to limit terms in the Wisconsin State Legislature. I hope that the residents in the State of Wisconsin, like my colleagues in the city of San Antonio, realize it is a good idea, and that finally Members in this institution realize, as well, it is a good idea whose time has come.

INTRODUCTION OF UNIVERSAL COLLEGE EDUCATION BILL

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

Mr. GEJDENSON. Mr. Speaker, along with the gentleman from Wisconsin [Mr. PETRI] and 15 of our colleagues, I will be introducing a bill for universal college education.

If America is to compete, if America is to inspire high-school kids to work, we have got to make it so that not just the very wealthy or the poorest of the poor can go to college, but every American can go to college. This is an old idea. It is one that moved this society forward. In 1635, the Boston Latin School made universal high-school education available under the argument that they would improve not just those students but their entire community. We take off our hats, and we applaud, millionaires around the country like Eugene Lang in New York, and this week in Time magazine, we see a Louisiana oilman, Patrick Taylor, providing college education, keeps kids in school, and moves them to work harder.

We can do this. We can collect the money by taking it out of people's taxes after they graduate. Those that get the benefit pay for the program, and all of America benefits as we educate more and more of our young people. We save $1 billion because we do not have the defaults as we do have under the present program, and it is the most important investment in infrastructure we can make.

TRADE AGREEMENTS: PANDORA'S BOX

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

Mrs. BENTLEY. Mr. Speaker, an editorial in the Baltimore Sun on March 14 points out that an "expanded GATT would make agriculture, service industries, and patents subject to international rules * * *".

Mr. Speaker, as the constitutional representative of the people of the Second District of Maryland, I do not feel I should turn over that authority to a foreign rulemaking body. What representation will my people have in Geneva?

However, evidence just now is beginning to show up that we already have given Canada extraordinary power to interfere in our affairs. The principle behind all of this is that neither of our nations can have domestic rules which would interfere with the free flow of goods and services across our borders.

Any law which could be interpreted to discriminate against a foreign product will be subject to challenge by a binational body before which the nation charged will have to prove itself innocent.

Even a label on clothes boasting of "made in America" or pushing Washington State apples will likely be seen as discriminatory. Be wary.

SLOW DOWN FAST TRACK

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

Mr. McCLOSKEY. Mr. Speaker, notwithstanding the fact that unfortunately momentum seems to be going his way on the Mexican-American fast track issue, President Bush has slammed as racist organized labor's opposition to that policy.

Such unfortunate rhetoric cannot disguise significant and major problems as documented in the report of the U.S. international free trade commission.

The report says that:

> The relatively low barriers already allow most of the benefits of trade between the two countries to be realized and therefore limit the potential benefits to the United States. [T]he benefits relative to the size of the U.S. economy are likely to be small in the near to medium term.

It states 73 percent of employed Americans and particularly those in the bottom pay scales could find their income declined slightly upon implementation.

Mr. Speaker, you would think that the last people in the world we would want to hurt are people struggling to raise families on $6 an hour.

There are no significant answers in the report as to questions of negative impact on the industrial Midwest.

There is time to slow down this fast track. Congress should not be barred from qualitative input into a process that's going to affect working Americans forever.

□ 1220

BLUE RIBBON FOR ANACAPA MIDDLE SCHOOL

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

Mr. LAGOMARSINO. Mr. Speaker, I am proud to announce that the U.S. Department of Education has named the Anacapa Middle School in Ventura, CA, as a "blue ribbon school" for the 1990-91 year. As you know, the Blue Ribbon Schools Program identifies exemplary middle, junior high and senior high schools from across the United States.

Among the long list of criteria reviewed by Secretary of Education Lamar Alexander and the Department of Education in choosing the Anacapa Middle School was the sense of shared purpose among the faculty, students, parents and community surrounding the school. I think that it is very important to recognize the critical role that every member of a community plays in the education of their children. Teachers, students, and administrators must work together with parents, businesses, and local governments to foster an environment conducive to learning and growth. I am proud to see that formula succeeding in Ventura.

The future of the United States lies with the students of today, and the future of those students lies with their education. In turn, I believe that the success of education in today's schools will depend on all of us. Congress must continue to work to ensure an equal educational opportunity for all children, regardless of their social or economic background. At the same time, parents and teachers must continue to work together to foster complimentary learning environments at school and at home.

Congratulations are due to the Anacapa Middle School, Principal Charlotte McElroy, and the entire community. I believe they all deserve blue ribbons, and I thank them for the example they have set for the Nation.

NEED FOR REREGULATION OF CABLE TELEVISION INDUSTRY

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

Mr. SANDERS. Mr. Speaker, when we think about the greed of the 1980's and the movement during that period by Congress and the White House toward a deregulation toward allowing the private sector industry after industry to do whatever they wanted, regardless of the public good, we often think about the thievery involved in

the S&L fiasco, and the fact that taxpayers throughout our country will be paying hundreds of billions of dollars in additional taxes to bail those crooks out.

Today, Mr. Speaker, I wish to call to Congress attention the deregulation of another industry, not the S&L industry, but the cable television industry, and the fact that as a result of that deregulation, individuals from one end of this country to the other are paying higher and higher cable TV rates. In fact, in my own State of Vermont during the last 3 years alone, cable TV rates have gone up by 47 percent.

During the last few days I have held public hearings in two Vermont towns, St. Johnsbury and Barre, and what is true for those two towns is true for thousands of towns throughout this country. For our elderly and for our working people, the cost of cable television is becoming higher and higher. Many of these citizens are unable to afford it. Cable TV is a monopoly. We must reregulate it and guarantee fair prices for all of our people.

H.R. 1: THE PROVERBIAL POT OF GOLD FOR LAWYERS?

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

Mr. GUNDERSON. Mr. Speaker, proponents of H.R. 1 steadfastly claim that H.R. 1 will not line the pockets of lawyers. Well, no one needs a calculator to figure out what a 40-percent contingency fee of an unlimited punitive and compensatory damage award can amount to—plenty—but let's go ahead and forget for a moment about the damages sections of H.R. 1 and look at section 9 of the bill to see what this legislation is really all about.

Unfortunately, section 9 has not received the attention it deserves. Section 9, incredibly, alone reverses four—yes, four—Supreme Court decisions solely for the purposes of expanding grounds for attorneys fees. One provision reverses the Jeff D case to prohibit the employee from settling a case without payment of attorney fees. Who does this protect? Another reverses the Marek case in which the Supreme Court—reasonably attempting to discourage litigation—held that an attorney could not receive attorney fees for time worked after rejection of a settlement offer, if the amount ultimately won was less than the offer. Still another provision reverses the Zipes case to allow an attorney defending a consent decree to collect from either the original losing party or the party challenging the decree. A final provision reverses the Crawford Fittings case to allow recovery of expert witness fees. I should also note that the President's bill also allows recovery of expert fees but puts a cap on of $300 per day.

I think we can all see where this points. Was reversal of four Supreme Court decisions on fees really necessary? H.R. 1 doesn't benefit the lawyers? Sorry, section 9 tells me otherwise. Who are we kidding?

LITHUANIA DESERVES OUR SUPPORT

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

Mr. SARPALIUS. Mr. Speaker, Americans come from every end of the Earth. We are of every race, creed, and color bound together by our love for liberty. Our hearts carry pride for the ideals that have made us a nation. In the eyes of the world, America represents liberty. And it is for liberty that America must stand, wherever and whenever freedom emerges.

Upholding freedom's banner does not mean that we pledge money or troops every time a people cries to be heard. But, America does have a moral obligation to lend the support of our convictions.

Mr. Speaker, the Soviet Union, America's enemy of the cold war, is now facing historic challenges from within. The Soviet people are demanding the freedom to rule their own destinies. Lithuania, a small nation poised on the border of the gigantic U.S.S.R., has broken the chains of oppression by embracing democracy. Soviet threats, soldiers, and tanks have not crushed the will of the Lithuanian people. The passionate desire to be free runs strong in the Lithuanian heart. The United States must hold true to our democratic convictions and assist Lithuania in her struggle to be free.

HAPPY BIRTHDAY TO FORMER MEMBER MANUEL LUJAN, JR.

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

Mr. SCHIFF. Mr. Speaker, I rise to honor a great New Mexican and a great American, Manuel Lujan, Jr., Secretary of the U.S. Department of the Interior, and a native of New Mexico, who celebrated his 63d birthday on Sunday, May 12.

Secretary Lujan came out of retirement at the personal request of President Bush more than 2 years ago to accept the postion of Interior Secretary. Since that date, he has done an outstanding job on behalf of the administration and in the service of his country as the steward of public lands throughout New Mexico, the western United States, and the entire country.

Before joining the Bush administration, Secretary Lujan held the seat in this distinguished body that I am now privileged to hold. For 20 years, he served the people of New Mexico with great honor and distinction. At the time of his retirement, Secretary Lujan was the ranking Republican member of the Science, Space, and Technology Committee, and was the second ranking Republican on the Interior and Insular Affairs Committee. He is well remembered as the winner of multiple watchdog of the Treasury awards, but the cornerstone of his two decades of service in Congress was his deep, personal concern for the needs and problems of his constituents.

Secretary Lujan is carrying on the great and proud tradition of public service of the Lujan family. His father, Manuel, Sr., became active in New Mexico politics more than 50 years ago. The elder Lujan served three times as the mayor of Santa Fe, and also was a candidate for governor of New Mexico.

I am pleased and proud to wish happy birthday to my good friend and fellow New Mexican, Interior Secretary Manuel Lujan, Jr.

GAO ISSUES POSITIVE REPORT ON KNOLLS ATOMIC POWER LABORATORY

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

Mr. McNULTY. Mr. Speaker, I invite attention to most unusual testimony by the General Accounting Office for the House Armed Services Committee hearing on April 24. The GAO has just completed a yearlong intensive audit of environmental health and safety practices in the Naval Nuclear Propulsion Program prompted by the House Government Operations Committee to explore allegations of unsafe practices at the Knolls Atomic Power Laboratory in my district.

I am pleased to announce that the GAO gave both the Knolls Laboratory and the other Naval Nuclear Propulsion Program sites a clean bill of health—no evidence of any nuclear safety problems, or health problems, or environmental violations—full compliance with environmental, health and safety laws and regulations. GAO reported they had unrestricted access to program records. They found no evidence of over classification of data to avoid embarrassing health or safety problems.

At the hearing, committee members noted that the GAO rarely issues such a positive report, an even more impressive occasion, considering the breadth and scope of the audit. These results are a tribute not only to Admiral DeMars and his Naval Nuclear Propulsion Program, but to the thousands of employees at the Knolls Atomic Power Laboratories who are doing such a fine job. It has been hard for these people to hold their tongue in the face of outside criticism, which the classified nature

of their work demands. It must be particularly satisfying to them to see that GAO has finally set the record straight.

At a time when there is so much disenchantment about things nuclear, we can be proud that this part of the business is being handled well.

CONGRATULATIONS ON NOMINATION OF ROBERT GATES AS CIA DIRECTOR

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

Mr. COX of California. Mr. Speaker, I would like to congratulate President Bush on his nomination of Robert Gates, with whom I worked on the White House staff, to be the next Director of Central Intelligence. I agree with the statement by Mr. Gates this morning, that American intelligence is the best in the world. However, American intelligence will not continue to be the best in the world if the Kremlin and the KGB succeed in their scandalous efforts to bug our Embassy in Moscow.

Most Americans are already aware that the KGB saw to it that the extensive electronic eavesdropping devices were embedded in the Moscow Embassy when it was built. Independent analysts and Bush administration security officials, the intelligence community, the Secretary of State, and the current Director of Central Intelligence have all agreed that the only way to fix the problem is to tear down the Embassy and rebuild it from the ground up.

Later this week a small number of House Democrats are going to force Members, or attempt to do so, to use that Embassy by building secure, allegedly secure floors on top of the bugged ones.

□ 1230

This week, our colleague, the gentlewoman from Maine [Ms. SNOWE] will offer an amendment to the Foreign Relations Authorization Act to require that we tear down that Moscow Embassy and rebuild it.

Mr. Speaker, I urge my colleagues to vote for the Snowe amendment and for an effective defense against KGB spying against our diplomats.

WHITE HOUSE SCUTTLES CIVIL RIGHTS COMPROMISE

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

Mr. SLATTERY. Mr. Speaker, a few weeks ago the White House pulled the plug on a potential civil rights compromise. AT&T Chairman Robert Allen had been hard at work fashioning an agreement that would have addressed the concerns of business leaders and the civil rights community. I commend Mr. Allen for stepping forward to lead these valuable negotiations, but it is a sad commentary, Mr. Speaker, that the White House has scuttled his efforts.

The President of the United States has a responsibility to tackle the tough issues and to pull the people of this country together and not to divide them along racial lines for cheap partisan political reasons.

It is unfortunate that President Bush has turned this issue over to the partisan political hacks. As a result, Mr. Allen and the civil rights compromise have fallen victims to Washington politics at its worst.

Mr. Speaker, I remain convinced that the business and civil rights communities could reach a sensible compromise on a terribly divisive issue with just a little Presidential leadership.

I say to the President that he has a historic opportunity. He can lead this Nation and shape a historic civil rights compromise, or he can duck this issue and turn it over to the partisan hacks.

I hope the President chooses the right course.

REINTRODUCTION OF WOLVES INTO WYOMING IS WRONG

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

Mr. THOMAS of Wyoming. Mr. Speaker, last night in Cody, WY, more than 250 people who live and work on the borders of Yellowstone National Park and Teton National Park spoke adamantly and passionately in a public hearing against the reintroduction of wolves into northwestern Wyoming. There was one person who favored wolf reintroduction, one person backed by a bunch of arrogant Washington environmental groups who do not care what the people of Wyoming think, want, or how they live. They have made wolf reintroduction a fundraising issue and with fur over their ears and bucks in their accounts, they do not even listen to the State's concerns.

A Federal committee plan to allow States some management control if wolves were reintroduced is not even good enough for them.

These groups say that they want the reintroduction of wolves into Yellowstone. It is not. It is ingenuous and wrong. Its reintroduction is into Wyoming, a State with a fragile economy and little room for livestock and wildlife depredation, and most importantly, a State where the majority of people do not want wolves, period.

Congress should listen and not let Wyoming people be hurt for the sake of an environmental group's arrogance.

AMERICAN MEDICAL ASSOCIATION FINALLY REALIZES SERIOUSNESS OF NATION'S HEALTH PROBLEM

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

Mr. APPLEGATE. Mr. Speaker, praise the Lord, the Journal of the American Medical Association has recognized a serious problem that exists in the American health system. They have called for an overhaul of the whole system. A national health policy by the American Medical Association?

Well, let me tell you what today's Post says. According to the issue, it says:

> It is no longer acceptable morally, ethically or economically, for so many of our people to be medically uninsured or seriously under-insured.

I believe the issue is now ready for the front burner on the national legislative agenda. They say that it must be done and it can be done without too much extra cost.

I would say that is music to 38 million underemployed Americans who have no insurance right now and millions of others.

Now, I hope that we can all move together in the right direction to see that every American is going to have affordable insurance, have it available to them at any time to any doctor or hospital.

At any rate, I hope the American Medical Association comes up with an idea that is going to be more beneficial to the patients than to their members.

INTRODUCTION OF INCOME-DEPENDENT EDUCATION ASSISTANCE ACT [IDEA]

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

Mr. PETRI. Mr. Speaker, today, in a bipartisan effort with Congressman SAM GEJDENSON and 14 of our colleagues I am introducing the Income-Dependent Education Assistance Act—also known as IDEA for short.

The IDEA Program would provide education loans to students on reasonable terms—better terms than in current programs for most students. And it would do this while saving billions of dollars.

Under IDEA, there would be no fixed repayment schedule. Rather, repayment would be geared to the incomes of the borrowers, and would be stretched out automatically as long as people need it to be. Those with high incomes after leaving school would be expected to repay relatively quickly at slightly higher effective rates.

Let me emphasize that IDEA would provide affordable student loans with little or no cost to the taxpayers. It saves money by virtually eliminating

defaults, by using lower cost capital than current programs, by precisely targeting subsidies, and paying for them with premium interest payments from high income graduates, and by slashing administrative costs.

IDEA is a carefully-crafted student loan program, and I would urge all my colleagues to consider cosponsorship.

OPPOSITION TO OPENING OF ARCTIC NATIONAL WILDLIFE REFUGE TO OIL AND GAS EXPLORATION

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

Mr. VALENTINE. Mr. Speaker, I rise today to express my opposition to the opening of the Arctic National Wildlife Refuge to oil and gas exploration.

While I support responsible energy production to decrease our dependence on foreign petroleum resources, I do not support irresponsible efforts, such as this proposal, that would needlessly threaten our environment without providing any real energy benefit.

Despite claims to the contrary, oil and gas exploration activities in what is, of all things, a wildlife refuge, would have a disastrous effect on the local environment. The resulting gain in oil and gas production, if there actually is any oil and gas to be found, will do little to quench our daily thirst for oil.

Mr. Speaker, I urge my colleagues to support legislation to protect the Arctic National Wildlife Refuge and to reject any attempt to open this wilderness to unnecessary oil and gas exploration.

INTRODUCTION OF CAMPUS SEXUAL ASSAULT VICTIMS' BILL OF RIGHTS

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

Mr. RAMSTAD. Mr. Speaker, campus sexual assaults in this country have reached epidemic levels. Studies show that one in four women on our Nation's college and univeristy campuses will be the victim of rape or attempted rape. A campus rape occurs every 21 hours.

Too often, colleges and universities cover up these incidents of sexual violence or substitute themselves for our criminal justice system. As a result, only 1 percent of all accused rapists on college campuses are prosecuted. Too many victims are unaware of their legal rights, fear the treatment they will receive from college authorities, and see little hope that perpetrators of criminal sexual violence will be brought to justice.

Today, on behalf of Security on Campus, Inc., a national organization of victims of campus sexual assaults, I am introducing the campus sexual assault victims' bill of rights.

This legislation will ensure that campus authorities treat sexual assault victims with respect, make their rights and legal options clear, and fully cooperate with them in exercising those rights.

It is time to send a message campuswide and nationwide that sexual assaults will not be tolerated or swept under the rug.

With an estimated 6,000 rapes expected to occur on college campuses this year, we cannot afford to delay.

It is time for Congress to pass the Campus Sexual Assault Victims' Bill of Rights Act.

IN SUPPORT OF DEMOCRATIC PACKAGE FOR MIDDLE-INCOME WORKING FAMILIES

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

Mr. FLAKE. Mr. Speaker, today I rise to voice my opinion on an issue that is of utmost importance and concern to me. It is in relationship to the middle and lower income people of this Nation who are not sufficiently recovering from the abuses which they suffered from the tax assault and program cuts of the 1980's.

I have witnessed in my own district levels of unemployment which have increased, inadequate health care for many people, child care and housing is taking its toll on many of the citizens there.

Mr. Speaker, it is my belief that if this recession continues to grow, we will continue to see a Nation that continues to deteriorate. We must somehow reverse our trends by reversing our policies. A good start at reversing these negative trends is to enact the Democrats' recent package that includes expansion of unemployment benefits and tax cuts for middle-income working families.

□ 1240

We also must make sure that we do not support the tax cuts for capital gains. I believe that progressive initiatives can be made, that we in the Congress must make them, that we can turn this economy around for all of our citizens, not just those who are rich who, at this point represent 1 percent of all of the vast resouces of this Nation.

Mr. Speaker, change must come, and we must make the change.

FOREIGN AID TO THE GOVERNMENT OF INDIA

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

Mr. BURTON of Indiana. Mr. Speaker, last year the United States, in our foreign aid bill, gave $100 million to the Government of India. This year they are going to be asking for another $100 million, and it looks like that may fly.

Now, the people of India are great people, but the Government of India has been involved in some real repression, some real torture, inhuman acts toward people in various parts of that country.

On Wednesday, May 8, last Wednesday, India's central reserve police force opened fire on 3,000 people in Kashmir who had gathered to mourn the death of four people who had been assassinated by Government forces. The troops fired for 10 minutes into the crowd, leaving 10 people dead and scores injured and their bodies were scattered next to the cemetery. Three people later died of bullet wounds in the hospital.

When some people returned to collect the people who had been wounded or injured, they gunned down a teenage boy. Earlier Wednesday, seven people were shot at home by enraged paramilitary troops searching for militants. In total, that 1 day, 29 Kashmiris lost their lives at the hand of the Indian security forces. Since December of 1989, 2,200 Kashmiris have been killed, and in the Punjab right next door, 1,500 Shikhs have been killed this year alone by the repressive tactics and inhumane acts of the Indian military.

It is not the Indian people we are concerned about, it is the Indian Government. And before we send another $100 million over there, we ought to ask them to reevaluate their actions and stop these atrocities.

STRATEGIC PETROLEUM RESERVE IN HAWAII

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

Mr. ABERCROMBIE. Mr. Speaker, today I have introduced legislation, together with my colleague, the gentlewoman from Hawaii, to establish a strategic petroleum reserve in Hawaii. As you may know, Hawaii is without indigenous fossil fuel resources and yet must rely on fossil fuels for all of its transportation needs.

It's hard to believe that Hawaii, our Nation's only island State, is approximately 2,500 miles from the U.S. mainland, which is approximately the same distance between New York and California. Even harder to believe is the fact that Hawaii's distance from the Federal Government's centralized strategic petroleum reserve salt-dome storage facilities in Texas and Louisiana is approximately equal to the distance between Ankara, Turkey, and New York City. Response time associated with delivering SPR oil to Hawaii from

these facilities ranges from 53 to 70 days. In the meantime, Hawaii's commercial petroleum stock endurance range is only 30 to 50 days, depending on type of supply distribution. This leaves Hawaii in a very precarious position. In addition, Hawaii is the only State without an opportunity for overland delivery.

I believe congressional intent was clear in the passage of the Energy Policy and Conservation Act Amendments of 1990 last year, which was signed by the President on September 15, 1990. The compromise that was engineered created a 3-year demonstration program of a regional petroleum reserve to assist oil import-dependent regions.

Hawaii is a strategic location for our Nation's defense and requires petroleum energy for military personnel and for civilians employed by the Department of Defense. More than 1 million Americans in the State of Hawaii depend on an energy supply which may well prove inadequate in time of emergency. There is an urgent need to strengthen the slender thread upon which military and civilian energy needs depend. Hawaii needs a strategic petroleum reserve.

My legislation is a companion to a bill introduced by Mr. AKAKA and Mr. INOUYE in the Senate. Although our delegation is small compared to many other regions, we stand together strongly in support of this legislation. I hope the Members of this body will join in supporting this important and timely bill.

LEGISLATION OPPOSING DISCRIMINATION AGAINST ASIAN-AMERICANS IN COLLEGE ADMISSION POLICIES

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

Mr. ROHRABACHER. Mr. Speaker, I have proposed legislation which will put this body on record as opposing any policies that tend to discriminate against Asian-Americans in the admissions policies of our major colleges and universities.

What is happening far too often to some hard-working Americans is that they find their children, although they have tried their best with their kids to make sure that they have the best scores, and work with them—and they do have the best scores—but they find they are not being admitted to colleges and universities, only because of their race.

The United States has some soul searching to do. Some very well-intended people have been promoting policies that basically injure American citizens because of their race. This is intolerable. No one has an excuse to say that, "We are trying to do something good," if in the end result an American citizen is denied entry into a college or denied a job because of his or her race.

It is about time this body goes on record as saying that all racial discrimination is wrong and if we want to help the less fortunate in America we should reach out to help them improve themselves rather than changing the rules of the game to support one group or another because of their race.

LEGISLATION TO PROVIDE STUDENT FINANCIAL ASSISTANCE TO PART-TIME STUDENTS

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

Mrs. MINK. Mr. Speaker, today I am introducing a bill to allow students attending college on a part-time basis to receive financial assistance through the Pell grant program the same as all other eligible students. Over the years we have seen a dramatic change in the enrollment of our students on college campuses around the country. The typical student is no longer the 18- to 22-year-old just out of high school, but a much older student attending school on a part-time basis, often working full time and shouldering family responsibilities.

More than 5 million studens, over 40 percent of the total college-going population, is beyond the age of 24. And of those students, 70 percent and 80 percent work full or part time. Of all students attending college today more than 60 percent are already in the work force.

The increase in enrollment of these so-called nontraditional students, students I like to call new traditional students, is one of the great successes of our higher educational system.

It is evidence of the understanding of colleges and universities in meeting the needs of a changing population.

Today, a whole generation of adults is being educated at age 25 or 30 or 50, and they have chosen to make the many sacrifices of time and money to reach their academic potential and provide a better life for themselves and their families.

The vision of this Congress which enacted the Higher Education Act in 1965 has to be expanded to revise the act to open college and university doors to all students, including the less than half-time students.

Mr. Speaker, my bill will make the changes necessary to provide even greater opportunities for the new traditional student, the new majority of students in all forms of higher education that are still restricted from receiving financial assistance. My bill will retain and update a provision in the Higher Education Act to allow students registered at a less-than-half-time basis to be eligible to receive a Pell grant.

Students enrolled on a less-than-half-time basis were first eligible for Pell grant money under the 1986 reauthorization of the Higher Education Act; however, restrictions were included to allow only the neediest students to be eligible. Under the law only students with an expected family contribution of zero could qualify for a grant in 1989 and 1990. And in 1991 only those with an expected family contribution between zero and $200 could qualify.

The saddest part of all is that this Congress, the very body which enacted the provision to allow these students to receive grants, has failed to fund the provision.

Despite the inaction of appropriations, the intent of the Congress remains clear—to move toward wider access and a more accurate recognition of who it is that goes to college, and who it is that needs assistance.

The Subcommittee on Postsecondary Education has already had several days of hearing on reauthorization of the Higher Education Act, during which we have heard two constant themes—the need to ensure student aid for the hard-pressed middle class, and the need to address the financial and other burdens faced by the nontraditional student who is by far becoming the new traditional student of today.

Mr. Speaker, I ask my colleagues to join me and the original cosponsors of this bill—Mr. WASHINGTON, Mrs. UNSOELD, Mr. GUNDERSON, Mr. SERRANO, Mr. PAYNE of New Jersey, Mr. HAYES, Mr. DE LUGO, Mr. SAWYER, Mr. ROEMER, Mr. REED, Mr. ANDREWS of New Jersey, Mr. MILLER, and Mr. KILDEE, all members of the Education and Labor Committee—in taking this important step to open the door of educational opportunity to the many new traditional students in our country.

DOMESTIC VIOLENCE PREVENTION ACT OF 1991

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

Mr. OWENS of Utah. Mr. Speaker, last year, more women were battered by their spouses, than were married.

Over half of all homeless women and children are on the street because they are fleeing violence in the home.

A child is 1,500 times more likely to be abused if his mother is being abused.

Close to two-thirds of all juvenile boys who murder, murder their mother's attackers.

A woman is battered every 18 seconds in the United States.

The most common cause of injury to women in the United States is abuse by the men they live with.

One-third of women murdered each year are killed by their husband or boyfriend.

Lastly, of greatest concern today, authorities are more likely to arrest a man for parking tickets than for beating his wife.

These statistics are a national outrage and our efforts to date to solve this growing problem are shamefully inadequate.

So today, Mr. Speaker, I am introducing the Domestic Violence Prevention Act of 1991 to assist States in their efforts to increase public awareness and prevent family violence, provide immediate shelter and related assistance to battered women and their children, and expand training to law enforcement. This bill has recently been introduced by Senator COATS on the Senate side. I invite my colleagues to join me to seek passage of this carefully planned and genuine effort to decrease the domestic abuse and help the abused.

Family violence, assaultive behavior against spouses, children, and other family members is a serious and growing national epidemic. The enormity of the problem is clear. Every year hundreds of thousands of wives are abused by their husbands, and more than a million children suffer from physical, sexual, and emotional maltreatment.

The Domestic Violence Prevention Act attempts to address both the outrage and the shame—to make family violence one of our top law enforcement priorities.

No State, regardless of population size, is immune to family violence. In my own State of Utah I was quite alarmed by the annual domestic violence facts: Approximately 57,630 males physically assault an intimate partner. This accounts to 1 out of every 10 women being assaulted in a given year. Each year 144,075 children witness domestic assault between their parents. In 50 percent of the cases the children are assaulted as well. Approximately 65 percent—93,650—of children growing up in abusive homes will enter into abusive adult relationships.

The Domestic Violence Prevention Act of 1991 addresses several key issues critical to combating violence. First, it provides grants to public or private nonprofit entities for the use of public information campaigns regarding domestic violence. It also provides victims of family violence with shelter and related assistance such as food, medical services, counseling, and legal assistance. Grants will be provided to assist States in developing law enforcement and prosecution strategies to combat domestic violence and grants will also be awarded to assist States in becoming model demonstration States in combating domestic violence crimes.

Family violence must not remain a dark, whispering, secret problem. We can no longer allow victims of domestic violence to feel like they are prisoners of their own homes. The Domestic Violence Prevention Act offers a comprehensive solution, giving victims a chance to be treated with dignity and providing essential protection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken following disposition of S. 248, the Niobrara Scenic River Designation Act.

□ 1250

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1991

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1578) to amend title 38, United States Code, with respect to employment and reemployment rights of veterans and other members of the uniformed services, as amended.

The Clerk read as follows:

H.R. 1578

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 "Uniformed Services Employment and Reemployment Rights Act of 1991".

SEC. 2. EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

Chapter 43 of title 38, United States Code, is amended to read as follows:

"CHAPTER 43—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

"SUBCHAPTER I—PURPOSES, RELATION TO OTHER LAW, AND DEFINITIONS

"Sec.

"2021. Purposes.

"2022. Relation to other law and plans or agreements.

"2023. Definitions.

"SUBCHAPTER II—PROHIBITIONS, RIGHTS, AND LIMITATIONS

"2031. Discrimination against members of the uniformed services and acts of reprisal prohibited.

"2032. Rights of persons absent from employment to serve in the uniformed services; limits on right.

"2033. Position to which entitled upon reemployment.

"2034. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service.

"SUBCHAPTER III—PROCEDURES FOR ASSISTANCE AND ENFORCEMENT

"2041. Assistance in obtaining employment or reemployment; assistance in asserting claims with respect to State or local government or private employers.

"2042. Assistance in obtaining employment or reemployment by the Federal Government.

"2043. Enforcement of employment or reemployment rights with the Federal Government.

"2044. Enforcement of employment or reemployment rights with a State or private employer.

"SUBCHAPTER IV—INVESTIGATION OF COMPLAINTS

"2051. Conduct of investigation; subpoenas.

"SUBCHAPTER V—MISCELLANEOUS PROVISIONS

"2061. Regulations.

"2062. Reports.

"2063. Severability provision.

"SUBCHAPTER I—PURPOSES, RELATION TO OTHER LAW, AND DEFINITIONS

"§2021. Purposes

"The purposes of this chapter are—

"(1) to encourage noncareer service in the uniformed services of the United States by eliminating or minimizing those disadvantages to civilian careers and employment which would not occur but for such service; and

"(2) to minimize the disruption to the lives of individuals performing service in the uniformed services, as well as minimizing the disruption to employers, to fellow employees, and to the community, by providing for the prompt reemployment of persons completing service in the uniformed services under honorable conditions.

"§2022. Relation to other law and plans or agreements

"(a) Nothing in this chapter shall supersede, nullify, or diminish any Federal or State law (including any local law or ordinance) or any plan provided by an employer which establishes rights or benefits which are greater than or in addition to those provided in this chapter.

"(b) This chapter supersedes State laws (including any local law or ordinance), employer practices, agreements, and plans, and other matters that reduce, limit, or eliminate in any manner rights or benefits provided by this chapter, including the establishment of additional prerequisites to the exercise of such rights.

"§2023. Definitions

"For the purposes of this chapter:

"(1) The term 'Attorney General' means the Attorney General of the United States or any person designated by the Attorney General to carry out an activity under this chapter.

"(2) The term 'benefit', 'benefit of employment', or 'employment related rights and benefits' means any aspect of the employment relationship, other than wages or salary for work performed, provided by contract or employer practice or custom, that offers advantage, profit, privilege, gain, status, account, or interest and includes, but is not limited to, pension plans and payments, insurance coverage and awards, employee stock ownership plans, bonuses, severance pay, supplemental unemployment benefits, vacations, and selection of work hours or locations of employment.

"(3) The term 'completion of service in the uniformed services under honorable conditions' means the completion of a period of service in the uniformed services in all circumstances except—

"(A) receiving a dishonorable discharge, dismissal, or bad conduct discharge adjudged under chapter 47 of title 10;

"(B) being discharged under other than honorable conditions, under regulations prescribed by the Secretary of Defense or a Secretary concerned; or

"(C) being dismissed from or dropped from the rolls of a uniformed service under section 1161 of title 10.

"(4)(A) Except as provided in subparagraphs (B) and (C), the term 'employer' means any person, institution, organization, or entity paying salary or wages for work performed or having control over employment opportunities, including—

"(i) any person, institution, organization, or entity to whom the employer has delegated employment-related responsibilities; and

"(ii) the Federal Government, any State or political subdivision thereof, and any private employer (including successors in interest).

"(B) Except as an actual employer of employees, an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) shall be deemed to be an employer only with respect to the obligation to provide benefits described in section 2034(f).

"(C) In the case of a National Guard technician employed under section 709 of title 32, the term 'employer' means the Adjutant General of the State in which the technician is employed.

"(5) The term 'Federal Government' includes the executive branch, the judicial branch, and the legislative branch, with the executive branch including—

"(A) any department, administration, agency, commission, board, or independent establishment in, or other part of, the executive branch (including any executive agency as defined in section 105 of title 5);

"(B) the United States Postal Service and the Postal Rate Commission;

"(C) any nonappropriated fund activity of the United States; and

"(D) any corporation wholly owned by the United States.

"(6) The term 'notice' means (with respect to subchapter II) any written or verbal notification of an obligation or intention to perform service in the uniformed services provided to an employer by the employee who will perform such service or by the uniformed service in which such service is to be performed.

"(7) The term 'other than a temporary position' means a position of employment as to which there is a reasonable expectation that it will continue indefinitely.

"(8) The term 'qualified' means having the ability to perform the essential tasks of an employment position.

"(9) The term 'reasonable efforts' means actions, including training provided by an employer, that do not create an undue hardship on the employer.

"(10) The term 'Secretary' means the Secretary of Labor or any person designated by such Secretary to carry out an activity under this chapter.

"(11) The term 'seniority' means longevity in employment together with any benefits of employment which accrue with or are determined by such longevity.

"(12) The term 'service in the uniformed services' means duty performed in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and the period of time an employee is absent from employment for the purpose of examination to determine fitness for such duty.

"(13) The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and other territories of the United States (including the agencies and political subdivisions thereof).

"(14) The term 'uniformed services' means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard, including the reserve components thereof, the Army National Guard and the Air National Guard when engaged in active duty for training or in inactive duty for training, the commissioned corps of the National Oceanic and Atmospheric Administration, the commissioned corps of the Public Health Service, the Merchant Marine during time of war, national emergency, or when deemed necessary by the Secretary of Defense in the interest of national defense, and any other category of persons designated by the President in time of war or national emergency.

"SUBCHAPTER II—PROHIBITIONS, RIGHTS, AND LIMITATIONS

"§2031. Discrimination against members of the uniformed services and acts of reprisal prohibited

"(a) A person who is a member of, was a member of, applies to become a member of, or has an obligation to a uniformed service shall not be discriminated against because of such present or past membership, application for membership, or obligation by being denied initial employment, reemployment, continuation of employment, promotion, or any benefit of employment.

"(b)(1) It shall be unlawful for an employer to discriminate against, discipline, or to take any other action of reprisal against any person because such person has filed a complaint or sought assistance concerning an alleged violation of this chapter, has testified in any proceeding under this chapter, has assisted or otherwise participated in an investigation under this chapter, or has exercised any right afforded by this chapter.

"(2) The prohibition in paragraph (1) shall apply with respect to employment, reemployment, continued employment, or promotions, and any benefit of employment and shall apply regardless of whether the person with respect to whom the acts are performed has ever served in the uniformed services.

"(c) A person shall be considered to have been denied employment, reemployment, continued employment, or any promotion or benefit of employment in violation of this chapter if the person's status or activity protected by this chapter was a motivating factor, although not necessarily the only factor, in the employer's decision to deny the person employment, reemployment, continued employment, or any promotion or benefit of employment, unless the employer can demonstrate that the same decision would have been made in the absence of the protected status or activity.

"§2032. Rights of persons absent from employment to serve in the uniformed services; limits on right

"(a) Except as otherwise provided in this chapter, any person who is absent from or leaves a position (other than a temporary position) in the employ of any employer for voluntary or involuntary service in the uniformed services is entitled to a leave of absence or is entitled, upon completion of service in the uniformed services under honorable conditions, to—

"(1) reemployment by such employer, unless such employer's circumstances have so changed as to make it impossible or unreasonable to do so; and

"(2) employment related rights and benefits, as provided in this chapter.

"(b) Subsection (a) shall apply if such person's cumulative period of service in the uniformed services, with respect to the employer relationship for which a person seeks reemployment, does not exceed five years, except that any such period of service shall not include any service—

"(1) that is required, beyond five years, to complete an initial period of obligated service;

"(2) during which such person was unable to obtain orders releasing such person from a period of service in the uniformed services before the expiration of such five-year period and such inability was through no fault of such person;

"(3) performed as required pursuant to section 270 of title 10, under section 502(a) or 503 of title 32, or to fulfill additional training requirements determined by the Secretary concerned to be necessary for professional development or for completion of skill training or retraining;

"(4) performed by a member of a uniformed service who is—

"(A) ordered to or retained on active duty under section 672(a), 672(g), 673, 673b, 673c, or 688 of title 10;

"(B) ordered to or retained on active duty (other than for training) under any provision of law during a war or during a national emergency declared by the President or the Congress;

"(C) ordered to active duty (other than for training) in support, as determined by the Secretary concerned, of an operational mission for which personnel have been ordered to active duty under section 673b of title 10;

"(D) ordered to active duty in support, as determined by the Secretary concerned, of a critical mission or requirement of the uniformed services; or

"(E) called into Federal service as a member of the National Guard under chapter 15 of title 10 or under section 3500 or 8500 of title 10; or

"(5) any other category of service specified by the Secretary, in consultation with the Secretary of Defense, in regulations prescribed pursuant to section 2061.

"(c) Upon completion of service in the uniformed services under honorable conditions, a person returning from a leave of absence or otherwise entitled to reemployment under this section shall, in order to retain the member's rights under this chapter except as otherwise expressly provided, report to such person's employer for reemployment—

"(1) at the beginning of the first regularly scheduled working period on the first calendar day following completion of such service and the time for safe transportation back to the member's residence and to the member's place of employment—

"(A) if such person's period of service was less than 31 days; or

"(B) if such person's service was for the purpose of examination to determine such person's fitness to enter service in the uniformed services, regardless of the length of such service;

"(2) not later than 14 days following completion of such service and transportation, if such person's period of service was 31 days or more but less than 181 days; or

"(3) not later than 90 days following completion of such service and transportation, if such person's period of service was 181 days or more.

"(d) The time limits specified in subsection (c) for a person to report for employment or reemployment shall be extended—

"(1) by up to one year if the person is hospitalized or is convalescing from an illness or injury incurred in military service;

"(2) by up to two years if the person is a special disabled veteran described in section 2011(1)(A)(i) whose disability significantly impairs the veteran's ability to work and if such person informs, in writing or verbally, the employer concerned of the person's condition, intention to return to employment, and plans for and progress in rehabilitation; or

"(3) by the minimum time required to accommodate the circumstances beyond such person's

control which make reporting within the time limit specified in paragraphs (1) and (2) impossible or unreasonable.

"(e) A person who fails to report for employment or reemployment within the time limits specified in subsection (c) does not automatically forfeit such person's right under subsection (a) but shall be subject to the conduct rules of the employer pertaining to explanations and discipline with respect to absence from scheduled work.

"(f)(1) When reporting for reemployment upon release from service in the uniformed services, a person, upon request, shall provide to the person's employer such documentation, if any, as is then readily available to establish that the person's application is timely, that the person has not exceeded the service limitations set forth in subsection (b), and that the person completed service in the uniformed services under honorable conditions. Documentation from any official source that these criteria have been met shall satisfy the documentation requirements established by this subsection.

"(2) It shall be unlawful for an employer to delay or attempt to defeat a reemployment obligation by demanding documentation that does not then exist or is not then readily available.

"(g) The right of a person to reemployment under this section shall not entitle such person to retention, preference, or displacement rights over any person with a superior claim under the provisions of title 5, United States Code, relating to veterans and other preference eligibles.

"(h) Any employer who reemploys a person under this chapter and who is an employer contributing to any multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), under which benefits are or may be payable to such person by reason of the obligations set forth in this chapter, shall, within 30 days after the date of every such reemployment, provide notice of such reemployment to the administrator of every such plan.

"(i) In any determination of a person's entitlement to protection under this chapter, the timing, frequency, and duration of the person's training or service or the nature of such training or service (including voluntary service) in the uniformed services shall not be a basis for denying protection of such training or service if the service does not exceed the limitations set forth in subsection (b) and the notice requirements established in section 2034(d) are met.

"§2033. Position to which entitled upon reemployment

"(a) Except as otherwise provided in this chapter, a person who is entitled to reemployment under section 2032 shall—

"(1) if such person's period of service was fewer than 181 days—

"(A) first, be employed promptly in the position which such person would have attained by remaining continuously employed by such employer, unless the employer can demonstrate that such person is not qualified for such position and cannot become qualified with reasonable efforts by such employer; or

"(B) if not employed under subparagraph (A), be employed promptly in the same position which such person left for service in the uniformed services, unless the employer can demonstrate that such person is not qualified for such position and cannot become qualified with reasonable efforts by such employer;

"(2) if such person's period of service was 181 days or more—

"(A) first, be employed promptly in the position which such person would have attained by remaining continuously employed by such employer or in another position which is equivalent in seniority, status, and pay to such position, unless the employer can demonstrate that such person is not qualified for such position or any equivalent position and cannot become qualified with reasonable efforts by such employer; or

"(B) if not employed under subparagraph (A), be employed promptly in the same position which such person left for service in the uniformed services or in another position which is equivalent in seniority, status, and pay to such position, unless the employer can demonstrate that such person is not qualified for such position and cannot become qualified with reasonable efforts by such employer; or

"(3) if disabled because of a disability incurred during, or as a result of, a period of service in the uniformed services, and if, after reasonable efforts by the employer to accommodate the disability, such person is not qualified due to such disability to be employed in the position the person would have attained if the person had remained continuously employed by such employer or in the position which such person left for service in the uniformed services, be employed promptly—

"(A) in any other position which is equivalent in seniority, status, and pay for which the person is qualified or would become qualified with reasonable efforts by the employer; or

"(B) if not employed under subparagraph (A), in a position which is the nearest approximation thereof consistent with circumstances of such person's case; or

"(4) if such person is not qualified to be employed in the position the person would have attained if the person had remained continuously employed by such employer or in the position which such person left for service in the uniformed services for any reason other than disability incurred during a period of service in the uniformed services and cannot become qualified with reasonable efforts by the employer, be employed promptly in any other position of lesser status and pay which such person is qualified to perform, with full seniority.

"(b) If two or more persons are entitled to reemployment under section 2032 in the same position and more than one of them has reported for such reemployment, the person who left the position first shall have the prior right to be reemployed in that position. Any person not reemployed in a position because of the application of the preceding sentence is entitled to be employed promptly—

"(1) in any other position which is equivalent in seniority, status, and pay and for which the person is qualified or would become qualified with reasonable efforts by the employer; or

"(2) if not employed under paragraph (1), in a position which is the nearest approximation thereof consistent with circumstances of such person's case.

"§2034. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service

"(a) A person who is reemployed under this chapter is entitled to the seniority and other rights and benefits determined by seniority that the person had at the time such person left the job concerned for service in the uniformed services plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

"(b) A person who performs service in the uniformed services is considered to be on a leave of absence while in the uniformed services and is also entitled to such other rights and benefits, not determined by seniority, relating to other employees on furlough or leave of absence which were established, by contract, policy, or practice, at the beginning of such period of service or while such person is performing such service. Such person may be required to pay the employee cost, if any, of any funded benefit continued pursuant to the preceding sentence.

"(c)(1) A person who performs service in the uniformed services shall, at such person's request, continued to be covered by insurance provided by such employer for up to 18 months. Such person may be required to pay the entire cost of any benefit continued pursuant to the preceding sentence, except that in the case of persons ordered to training or service for fewer than 31 days, such person may be required to pay only the employee share, if any, of the cost of such benefit.

"(2) In the case of employer-sponsored health benefits, an exclusion or waiting period may not be imposed in connection with coverage of a health or physical condition of a person entitled to participate in these benefits, either under paragraph (1) or upon reinstatement, or a health or physical condition of any other person who is covered by the benefit by reason of the coverage of such person, if—

"(A) the condition arose before or during that person's period of training or service in the uniformed services;

"(B) an exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by such person in the benefits; and

"(C) the condition of such person has not been determined by the Secretary of Veterans Affairs to be service-connected.

"(d) A person who leaves a civilian job for service in the uniformed services after the 60-day period beginning on the date of the enactment of the Uniformed Services Employment and Reemployment Rights Act of 1991 shall give written or verbal notice to such person's civilian employer that service in the uniformed services will cause such person to be absent from scheduled civilian employment, except that no notice is required in circumstances in which giving notice is impossible or unreasonable, including but not limited to circumstances where providing notice is precluded by military necessity, as determined by the uniformed service concerned, with such determination not being subject to judicial review.

"(e) A person who is reemployed by an employer under this chapter shall not be discharged from such employment, except for cause—

"(1) if such person's period of service was 181 days or more, within one year;

"(2) if such person's period of service was 31 days or more but less than 181 days, within six months; or

"(3) if such person's period of service was less than 31 days, within a period of time that is equal to the period of service concerned.

"(f)(1) In the case of a benefit provided by an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)), or a benefit provided under any Federal or State law governing pension benefits for governmental employees, the right to pension benefits of a person reemployed under this chapter shall be determined under this subsection.

"(2) Subject to subsection (g)(2), a person reemployed under this chapter—

"(A) shall not be treated as having incurred a break in service with the employer or employers maintaining the plan by reason of such person's period or periods of service in the uniformed services; and

"(B) shall have each period served by such person in the uniformed services deemed to constitute service with the employer or employers maintaining the plan for purposes of determining the nonforfeitability of the person's accrued benefits and for the purpose of determining the accrual of benefits under the plan,

if such person meets the eligibility criteria under this chapter.

"(g)(1) An employer reemploying a person under this chapter shall be liable to an employee

benefit pension plan for funding any obligation of the plan to provide the benefits described in subsection (f)(2). For purposes of determining the amount of such liability, and for purposes of section 515 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1145) or for purposes of any similar Federal or State law governing pension benefits for governmental employees, service in the uniformed services that is deemed to be service with the employer pursuant to such subsection shall be deemed to be service with the employer under the terms of the plan or any applicable collective bargaining agreement.

"(2) A person reemployed under this chapter shall be entitled to accrued benefits pursuant to subsection (f)(2) that are derived from employee contributions only to the extent the person makes payment to the plan with respect to such contributions (not to exceed the amount the person would have been permitted or required to contribute had the person remained continuously employed by the employer throughout the period of deemed service described in subsection (f)(2)).

"(h) Any person who is absent from or leaves a position (other than a temporary position) in the employ of any employer for voluntary or involuntary service in the uniformed services may utilize, during any period of such service, accrued or other leave which the person could have utilized if the person had remained in such position.

"SUBCHAPTER III—PROCEDURES FOR ASSISTANCE AND ENFORCEMENT

"§2041. Assistance in obtaining employment or reemployment; assistance in asserting claims with respect to State or local government or private employers

"(a) The Secretary (through the Veterans' Employment and Training Service) shall provide assistance in obtaining employment or reemployment to any person entitled to rights or benefits under this chapter. The Secretary may use existing Federal and State agencies engaged in similar or related activities and the assistance of volunteers.

"(b) Any person who claims that a private employer or a State or political subdivision thereof has denied or is about to deny such person any right or benefit under this chapter may apply to the Secretary for assistance in asserting that claim.

"§2042. Assistance in obtaining employment or reemployment by the Federal Government

"(a) Except as provided in subsections (c), (d), and (e), if a person is entitled to be reemployed under section 2032 by the Federal Government, such person shall be reemployed in a position as described in sections 2033 and 2034.

"(b) Any person who claims that the Federal Government, as employer, has denied or is about to deny such person any right or benefit under this chapter may apply to the Secretary for assistance in asserting that claim.

"(c) If the employer of a person described in subsection (a) was, at the time such person entered service in the uniformed services, an agency in the executive branch, and the Director of the Office of Personnel Management determines that—

"(1) such employer no longer exists and its functions have not been transferred to another part of the executive branch; or

"(2) it is not feasible for such employer to reemploy such person,

the Director shall further identify an alternative position of like seniority, status, and pay for which such person is qualified in another part of the executive branch, and the Director shall cause employment in such position to be offered to such person.

"(d) If the employer of a person described in subsection (a) was, at the time such person entered service in the uniformed services, a part of the judicial branch or the legislative branch of the Federal Government, and such employer determines that—

"(1) it is not feasible for such employer to reemploy such person; and

"(2) such person is otherwise eligible to acquire a status for transfer to a position in the competitive service in accordance with section 3304(c) of title 5,

such person shall, upon application to the Director of the Office of Personnel Management, be considered for and offered employment in an alternative position in the executive branch on the same basis as described in subsection (c).

"(e) If the adjutant general of a State determines that it is not feasible to reemploy a person who was a National Guard technician employed under section 709 of title 32, and such person is otherwise eligible to acquire a status for transfer to a position in the competitive service in accordance with section 3304(d) of title 5, such person shall, upon application to the Director of the Office of Personnel Management, be considered for and offered employment in an alternative position in the executive branch of the Federal Government on the same basis as described in subsection (c).

"§2043. Enforcement of employment or reemployment rights with the Federal Government

"(a) Any person who claims that—

"(1) such person is entitled under this chapter to employment or reemployment rights or benefits with respect to employment by the Federal Government; and

"(2)(A) such employer has failed or refused to comply with the provisions of this chapter; or

"(B) the Office of Personnel Management has failed or refused to comply with the provisions of this chapter,

may file a complaint with the Secretary, and the Secretary shall investigate such complaint. Subsection (a) of section 2051 shall be applicable to such investigation but not subsections (b) and (c) of such section.

"(b) Such complaint shall be in writing, be in such form as the Secretary may prescribe, include the name and address of the employer against whom the complaint is filed, and contain a summary of the allegations that form the basis for the complaint. Before the receipt of a written complaint, the Secretary shall, upon request, provide advice or technical assistance to the potential claimant and, if the Secretary determines it appropriate, to such claimant's employer.

"(c) If the Secretary, after investigation, is reasonably satisfied that such a violation has occurred, if efforts to obtain voluntary compliance are not successful, and if the claimant requests that the claim be referred for litigation before the Merit Systems Protection Board, the Secretary shall refer the case to the Office of the Special Counsel. If the Special Counsel is reasonably satisfied that the person requesting representation is entitled to the rights or benefits sought, the Special Counsel shall appear and act as attorney for the claimant in filing an appeal to the Merit Systems Protection Board and in pursuing that appeal.

"(d) If the Special Counsel refuses to represent a person after receiving a referral from the Secretary or if a person chooses not to apply to the Secretary for assistance or to utilize the Special Counsel for representation under this section, such person may be represented before the Merit Systems Protection Board by counsel of the person's choice.

"(e)(1) If the Merit Systems Protection Board concludes that the Federal Government, as employer, has failed or refused to comply with the provisions of this chapter or that the Director of the Office of Personnel Management has not met an obligation set forth in subsection (c), (d), or (e) of section 2042, the Board shall enter an order specifically requiring the employing agency or the Director to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by reason of the employing agency's or the Director's unlawful action.

"(2) Any such compensation shall be in addition to and shall not be deemed to diminish any of the other rights or benefits provided for by this chapter.

"(f)(1) A claimant under this chapter may petition the United States Court of Appeals for the Federal Circuit to review a decision of the Merit Systems Protection Board denying such claimant the relief sought, in whole or in part, subject to the conditions and in accordance with the procedures set forth in section 7703 of title 5.

"(2) The Secretary and the Special Counsel shall not represent persons with respect to review of decisions of the Merit Systems Protection Board under this chapter in the United States Court of Appeals for the Federal Circuit or the Supreme Court.

"(3) If a person seeks such judicial review, or in any case in which a person is involved in the Board's decision being appealed by another party, such person may be represented by counsel of the person's choice.

"§2044. Enforcement of employment or reemployment rights with a State or private employer

"(a) A person who claims that—

"(1) such person is entitled under this chapter to employment or reemployment rights or benefits with respect to employment by a State or political subdivision thereof or a private employer; and

"(2) such employer or potential employer has failed or refused to comply with the provisions of this chapter,

may file a complaint with the Secretary, and such complaint shall be investigated under the provisions of subchapter IV.

"(b) Such complaint shall be in writing, be in such form as the Secretary may prescribe, include the name and address of the employer against whom the complaint is filed, and contain a summary of the allegations that form the basis for the complaint. Before the receipt of a written complaint, the Secretary shall, upon request, provide advice or technical assistance to the potential claimant and, if the Secretary determines it appropriate, to such claimant's employer.

"(c) If the Secretary, after investigation, is reasonably satisfied that such a violation has occurred, if efforts to obtain voluntary compliance are not successful, and if the claimant requests that the claim be referred for litigation, the Secretary shall refer the case to the Attorney General. If the Attorney General is reasonably satisfied that the person requesting representation is entitled to the rights or benefits sought, the Attorney General shall appear and act as attorney for the claimant in the filing of a complaint and other appropriate motions and pleadings and the prosecution thereof.

"(d)(1) If any employer which is a private employer or a State or political subdivision thereof fails or refuses to comply with the provisions of this chapter, the district court of the United States for any district in which such private employer maintains a place of business, or in which such State or political subdivision thereof exercises authority or carries out its functions, shall have the power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the rights or benefits of such provisions, specifically to require such employer to comply with such provisions and to compensate such person for any loss of wages or

benefits suffered by reason of such employer's unlawful action. Any such compensation shall be in addition to and shall not be deemed to diminish any of the other rights or benefits provided for by this chapter.

"(2)(A) No fees or court costs shall be charged or taxed against any person claiming rights or benefits under this chapter.

"(B) In any action or proceeding to enforce a provision of this chapter by a person described in subsection (a) who obtained private counsel for such action or proceeding, the court, in its discretion, may award any such person who prevails in such action or proceeding a reasonable attorney's fee, expert witness fees, and other litigation expenses.

"(3) The court may use its full equity powers, including temporary or permanent injunctions and temporary restraining orders, to vindicate fully the rights or benefits of persons under this chapter.

"(4) An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter, not by an employer, prospective employer, or other entity with obligations under this chapter.

"(5) If the Attorney General refuses to represent a person after receiving a referral from the Secretary or if a person chooses not to apply to the Secretary for assistance or to utilize the Attorney General for representation under this section, such person may be represented before the district court by counsel of the person's choice.

"(6) In any action under this chapter, only the employer shall be deemed a necessary party respondent.

"(7) No State statute of limitations shall apply to any proceedings under this chapter.

"(8) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"(e) If reasonably satisfied that the provisions of this chapter have been willfully violated by a private employer or a State or political subdivision thereof, the Attorney General may file a pleading in a district court of the United States in which the private employer concerned maintains a place of business, or in which the State concerned or political subdivision thereof exercises authority, for the assessment of a civil penalty against such employer. If, as a result of the proceeding resulting from such a filing, the employer is found to have willfully failed or refused to comply with any provision of this chapter, a civil penalty of not more than $25,000 for each such failure or refusal may be assessed against such employer, taking into consideration criteria established in regulations by the Secretary for such purpose.

"SUBCHAPTER IV—INVESTIGATION OF COMPLAINTS

"§2051. Conduct of investigation; subpoenas

"(a) In carrying out investigations under this chapter, the Secretary's duly authorized representatives shall at all reasonable times have access to, for the purpose of examination, and the right to copy and receive, any documents of any person or employer.

"(b) In carrying out investigations under this chapter, the Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation. In case of disobedience of the subpoena or contumacy and on request of the Secretary, the Attorney General may apply (other than with respect to an investigation carried out under section 2043(a)) to any district court of the United States in whose jurisdiction such disobedience or contumacy occurs for an order enforcing the Secretary's subpoena.

"(c) Upon application, the district courts of the United States shall have jurisdiction to issue writs commanding any person or employer to comply with the subpoena of the Secretary or to comply with any order of the Secretary made pursuant to a lawful investigation under this chapter (other than an investigation carried out under section 2043(a)). The district courts shall have jurisdiction to punish failure to obey a subpoena or other lawful order of the Secretary as a contempt of court (other than with respect to an investigation carried out under section 2043(a)).

"SUBCHAPTER V—MISCELLANEOUS PROVISIONS

"§2061. Regulations

"(a) The Secretary (in consultation with the Secretary of Defense) may prescribe regulations implementing the provisions of this chapter with regard to the application of this chapter to States, local governments, and private employers.

"(b)(1) The Director of the Office of Personnel Management (in consultation with the Secretary and the Secretary of Defense) may prescribe regulations implementing the provisions of this chapter with regard to the application of this chapter to the Federal Government as employer. Such regulations shall be consistent with the regulations pertaining to the States and private employers, except that employees of the Federal Government may be given greater or additional rights. Nothing in this subsection constitutes authority for the Director to prescribe any matter for which any regulation may be prescribed under paragraph (2).

"(2) Regulations may be prescribed—

"(A) by the Merit Systems Protection Board to carry out its responsibilities under this chapter; and

"(B) by the Office of Special Counsel to carry out its responsibilities under this chapter.

"(3) It is the sense of Congress that the Federal Government should be a model employer with respect to the requirements of this chapter.

"§2062. Reports

"The Secretary shall, after consultation with the Attorney General and the Special Counsel referred to in section 2043(c) and no later than February 1, 1992, and each February 1 thereafter, transmit to the Congress, a report containing the following matters for the fiscal year ending before such February 1:

"(1) The number of cases reviewed by the Department of Labor under this chapter during the fiscal year for which the report is made.

"(2) The number of cases referred to the Attorney General or the Special Counsel pursuant to section 2044(c) or 2043(c), respectively, during such fiscal year.

"(3) The number of pleadings filed by the Attorney General pursuant to section 2044(e) during such fiscal year.

"(4) The nature and status of each case reported on pursuant to paragraph (1), (2), or (3).

"(5) An indication of whether there are any apparent patterns of violation of the provisions of this chapter, together with an explanation thereof.

"(6) Recommendations for administrative or legislative action that the Secretary, the Attorney General, or the Special Counsel considers necessary for the effective implementation of this chapter, including any action that could be taken to encourage mediation, before claims are filed under this chapter, between employers and persons seeking employment or reemployment.

"§2063. Severability provision

"If any provision of this chapter, or the application of such provision to any person or circumstances, is held invalid, the remainder of this chapter, or the application of such provision to persons or circumstances other than those as to which it held invalid, shall not be affected thereby.".

SEC. 3. CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TITLE 38.—(1) Section 3103A(b)(3) of title 38, United States Code, is amended—

(A) by striking out "or" at the end of clause (E);

(B) by striking out the period at the end of clause (F) and inserting in lieu thereof "; or"; and

(C) by adding at the end thereof the following new clause:

"(G) to reemployment benefits under chapter 43 of this title.".

(2) The table of parts preceding part I of such title is amended by striking out the item for chapter 43 and inserting in lieu thereof the following:

"43. Employment and Reemployment Rights of Members of the Uniformed Services ..... 2021".

(3) The table of chapters at the beginning of part III of such title is amended by striking out the item for chapter 43 and inserting in lieu thereof the following:

"43. Employment and Reemployment Rights of Members of the Uniformed Services ..... 2021".

(b) AMENDMENT TO TITLE 5.—Section 1204(a)(1) of title 5, United States Code, is amended by striking out "section 2023" and inserting in lieu thereof "chapter 43".

(2) Subchapter II of chapter 35 of such title is repealed.

(3) The table of sections for chapter 35 of such title is amended by striking out the items relating to subchapter II.

(c) AMENDMENT TO TITLE 10.—Section 706(c)(1) of title 10, United States Code, is amended by striking out "section 2021" and inserting in lieu thereof "chapter 43".

(d) AMENDMENTS TO TITLE 28.—Section 631 of title 28, United States Code, is amended—

(1) by striking out subsection (j);

(2) by redesignating subsections (k) and (l) as subsections (j) and (k), respectively; and

(3) in subsection (j), as redesignated by paragraph (2), by striking out "under the terms of" and all that follows through "section," the first place it appears and inserting in lieu thereof "under chapter 43 of title 38,".

SEC. 4. EFFECTIVE DATES.

(a) REEMPLOYMENT.—(1) Except as provided elsewhere, the amendments made by this Act shall be effective with respect to reemployments initiated on or after the first day after the 60-day period beginning on the date of the enactment of this Act.

(2) The provisions of chapter 43 of title 38, United States Code, in effect on the day before such date of enactment shall continue to apply to reemployments initiated before the end of such 60-day period.

(3) In determining the number of years of service that may not be exceeded in an employee-employer relationship with respect to which a person seeks reemployment under chapter 43 of title 38, United States Code, as in effect before or after the date of the enactment of this Act, there shall be included all years of service without regard to whether the periods of service occurred before or after such date of enactment unless the period of service is exempted by the chapter 43 that is applicable, as provided in paragraphs (1) and (2), to the reemployment concerned.

(b) DISCRIMINATION.—The provisions of section 2031 of title 38, United States Code, as provided in the amendments made by this Act, and the provisions of subchapters III and IV of chapter 43 of such title, as provided in the amendments made by this Act, that are necessary for the implementation of such section 2031 shall become effective on the date of the enactment of this Act.

(c) INSURANCE.—(1) Except as provided in paragraph (2), the provisions of section 2034(c) of title 38, United States Code, as provided in the amendments made by this Act, concerning insurance coverage shall become effective on the date of enactment of this Act.

(2) A person who entered active service in the uniformed services after August 1, 1990, and before the date of the enactment of this Act, or a family member or personal representative of such person, may, after the date of the enactment of this Act, elect to reinstate or continue insurance coverage as provided in such section 2034. If such an election is made, insurance coverage may remain in effect for the remaining portion of the 18-month period that began on the date of such person's separation from civilian employment.

(d) DISABILITY.—(1) Section 2033(a)(3) of chapter 43 of title 38, United States Code, as provided in the amendments made by this Act, shall apply to reemployments initiated on or after August 1, 1990.

(2) Effective as of August 1, 1990, section 2027 of title 38, United States Code, as in effect on the date of the enactment of this Act, is hereby repealed.

(e) REPORTS.—The reports made by the Secretary of Labor pursuant to section 2062 of title 38, United States, as provided in the amendments made by this Act, shall be made with respect to cases pertaining to chapter 43 of such title without regard to whether a case originated under such chapter before, on, or after the date of the enactment of this Act.

(f) PREVIOUS ACTIONS.—Except as otherwise provided, the amendments made by this Act do not affect reemployments that were initiated, rights, benefits, and duties that matured, penalties that were incurred, and proceedings that were begun before the end of the 60-day period referred to in subsection (a).

SEC. 5. TECHNICAL AMENDMENT.

Section 9(d) of Public Law 102-16 is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

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

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the legislation presently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 1578, as amended, the Uniformed Services Employment and Reemployment Rights Act of 1991, is a major rewrite of the body of law that protects the employment and reemployment rights of veterans.

The veterans' reemployment rights provisions of chapter 43 of title 38, United States Code, were enacted years ago to protect the jobs of individuals called to active duty. These protections have been in effect for over 50 years and have effectively served the interests of veterans, members of the Selected Reserves, the Armed Forces, and employers; however, the current statute is complex and sometimes confusing. The committee bill would clarify and strengthen the provisions of chapter 43 and assure a smooth transition from military service to the civilian work force.

Before yielding to the chairman of the Subcommittee on Education, Training, and Employment, TIM PENNY of Minnesota, for further explanation of the measure, I want to compliment him and the ranking minority member of the subcommittee, CHRIS SMITH of New Jersey, for their hard work on H.R. 1578. Reemployment issues are complicated, and I am grateful to them, and to all members of the subcommittee, for their careful, thoughtful approach to this rewrite of chapter 43. Additionally, I want to thank the ranking minority member of the full committee, the gentleman from Arizona, BOB STUMP, for his assistance and support.

Mr. Speaker, H.R. 1578, as amended, includes provisions establishing rights and benefits for Federal employees who return to civilian employment upon completion of a period of military service. To ensure that these rights and benefits are realized, the amendment includes provisions under which employees may obtain the assistance of the Secretary of Labor and the Office of Special Counsel in the enforcement of their rights. They may appeal to the Merit Systems Protection Board and, if necessary, to the court of appeals. These provisions were developed in cooperation with the Committee on Post Office and Civil Service which, generally, has jurisdiction over Federal employees. I wish to extend my appreciation to the chairman of that committee, BILL CLAY, to the ranking minority member, BEN GILMAN, and to the chairman of the Civil Service Subcommittee, GERRY SIKORSKI, for their assistance and cooperation. I also want to thank Bob Lockhart, general counsel of the Post Office and Civil Service Committee, for his willingness to work with us.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY] for a more detailed explanation of the bill, H.R. 1578.

Mr. PENNY. Mr. Speaker, since 1940, protection has been extended to the citizen soldier who leaves employment to serve in our Nation's Armed Forces by protecting the service member's right to return to his or her preservice employment. Subsequent to the enactment of legislation pertaining to active duty service, protection was extended to include members of the Selected Reserve and, in 1974, Public Law 93-508 provided for the recodification of reemployment rights into chapter 43 of title 38.

Although the reemployment rights of members of the uniform services have been adequately protected for the past 50 years, the current statute is complex and sometimes ambiguous. Both veterans and employers have, on occasion, expressed confusion and uncertainty regarding their rights and responsibilities under chapter 43. Accordingly, our primary goals when undertaking the revision of this chapter were to clarify and, where necessary, strengthen the existing veterans' employment and reemployment rights provisions.

The following is a brief explanation of major provisions of H.R. 1578, as amended.

First, the bill would supply statutory definitions for terms used in the new chapter 43.

Second, it would also reaffirm the prohibition against discrimination, and prohibit acts of reprisal, against an employee or applicant for employment because of a past, current, or future military obligation.

Third, H.R. 1578 would provide that reemployment rights protection shall apply to an individual if such person's period of service, with respect to the employer relationship for which a person seeks reemployment, does not, with certain exceptions, exceed 5 years.

Fourth, the reported bill would require an individual to report for reemployment within certain time limits based on the length of time absent from employment.

Fifth, additionally, the measure would clarify and reaffirm that the timing, frequency, and duration of a person's military training or service, or the nature of the training or service, are not a basis for denying employment or reemployment protection. In order to preserve the protection, the individual could not exceed the service limitations and would be required to, when possible, notify his or her employee of an upcoming absence from employment because of a military commitment.

Sixth, H.R. 1578, as reported, would reaffirm that a protected individual is generally entitled to reemployment in the same position which the person would have attained if he or she had been continuously employed.

Seventh, the Committee bill would require an employer to make reasonable efforts to accommodate the service-connected disability of a protected person.

Eighth, the measure would also provide that a protected person would, at that person's request, continue to be covered by employer-sponsored insurance for up to 31 days at the employer's expense and up to 18 months at the person's expense, unless the employer chooses to fund the entire cost.

Ninth, the bill would require the Secretary of Labor to provide assistance in obtaining employment or reemploy-

ment to any person entitled to rights or benefits under chapter 43.

Tenth, H.R. 1578, as amended, would require that Federal employees be provided representation by the Special Counsel before the Merit Systems Protection Board when necessary to enforce reemployment rights with the Federal Government.

The activation of over 200,000 members of the Selected Reserve in connection with the Persian Gulf war has reminded all of us of the importance of employment and reemployment protection for members of the uniformed services. If the total force concept is to succeed, we must facilitate noncareer military service by minimizing disruption to the lives and careers of those who contribute to our national defense. In addition, however, we must, to the degree possible, minimize disruption to employers, fellow employees, and to the community. I believe the measure we are considering today accomplishes those goals.

The departmental views regarding H.R. 1578 submitted by the Department of Labor on April 11, 1991, included recommendations for certain modifications. We appreciated the Department's suggestions and incorporated most of them either in the reported bill or addressed them in the report accompanying the committee bill. The remainder we considered unnecessary or disagreed with the policy suggested by the Department, and I think it appropriate to provide a brief explanation of our views regarding these recommendations.

The administration proposal suggested the inclusion in chapter 43 of a number of rules of construction expressing certain policies and approaches to interpreting the law. The committee bill does not follow this approach. The committee bill overrules the line of cases applying a reasonableness test on extended military service by putting a defined limit on the length of such service. With respect to the other rules of construction contained in the administration proposal, the committee report notes the committee's endorsement and approval of the principal court decisions from which these rules have been taken. The committee did not find it necessary to codify these principles; they are part of the law which remains undisturbed by the Congress' action today.

The Department also suggested that the word "Federal" be added between "competent" and "authority" in what is now section 2023(12) of the reported bill in order to clarify that only Federal or federally funded training and duty give raise to rights for members of the National Guard. The committee believes this change is unnecessary as that intent is clear in the definition of "uniformed services" contained in section 2023(14) of the committee bill.

The Department recommended adding the following at the end of section 2032(f)(2) of the reported bill:

If the employer is not satisfied with the documentation that the applicant has provided, the employer may make further inquiries after reinstating the applicant. If as a result of such further inquiries by the employer it is established that the employee does not meet one or more of the eligibility criteria, such employee's employment and rights and benefits under this chapter may be terminated.

The committee feels this additional language is unnecessary as section 2032(f)(2) of H.R. 1578, as amended, clearly expresses the intent of the committee that an employer shall not avoid a reemployment obligation because a returning employee does not have the demanded documentation.

Included in the Department's recommendations was a provision which would have eliminated pension protection for eligible persons participating in defined contribution plans. The committee disagrees with the Department on this issue. The committee believes that service in the military is to be credited for both vesting and benefit accrual for pension purposes if the benefit is a reward for length of service and it is reasonably certain that the benefit would have accrued had the employee not been away in military service. The committee intends that this protection should apply to defined contribution plans so long as the specific plan is a benefit that is a reward for length of service.

For over 3 years, an executive branch task force on veterans' reemployment rights, which included representatives of the Departments of Labor, Defense, Justice, and OPM, worked on the development of a revision of chapter 43. On March 5, 1991, a proposed bill which embodied the task force recommendations was transmitted to Congress by the administration. H.R. 1578, as amended, is similar to and largely derived from the administration proposal. We worked closely with the task force representatives, and I want to express my deep appreciation to all those individuals. Because of the very technical nature of many of the issues involved, their expertise, assistance, and guidance was invaluable.

There follows a letter from the Secretary of Labor expressing support for the bill.

U.S. DEPARTMENT OF LABOR,
SECRETARY OF LABOR,
Washington, DC, May 13, 1991.

Hon. TIMOTHY J. PENNY,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN PENNY: It is my understanding that the House will consider H.R. 1578, the "Uniformed Services Employment and Reemployment Rights Act of 1991," on Tuesday, May 14. I strongly endorse this legislation.

For the past three years, the Department of Labor has been working with other U.S. Government agencies to develop legislation to overhaul the present Veterans' Reemployment Rights law. This law, originally passed in 1940, has been amended repeatedly by Congress and has been subject to numerous court interpretations in its 50 plus years in existence. Consequently, the current law has become more difficult and cumbersome to administer.

Earlier this year, the Administration sent legislation to the House that was intended to strengthen and clarify the reemployment rights of members of the uniformed services. It would also alleviate many administrative problems the Department faces under the current reemployment rights law. After transmittal of the bill, the Administration and the Veterans' Affairs Committee began working together to fine tune the legislation and to address concerns which arose during the Reemployment Rights hearing the Committee held in February.

I believe this effort has produced a bill which will secure the rights of active duty service members, reservists and National Guard members. While we have certain concerns regarding pension benefits and the bill's application of certain procedural provisions to intelligence agencies, H.R. 1578 makes the law easier to understand and to administer and will show that the United States is committed to those who have served their country. We will seek to address our concerns in the Senate.

The recent events in the Persian Gulf underscore the need for military personnel and employers to be able to understand clearly their rights and responsibilities. The call-up of reservists for Operation Desert Storm was the largest in recent times. If the United States is going to rely on reservists to shoulder a larger share of our national defense, those reservists must know their jobs are secure while they are serving their country.

The Office of Management and Budget advises that there is no objection to transmittal of this letter from the standpoint of the Administration's program.

Sincerely,

LYNN MARTIN.

I also want to thank CHRIS SMITH, ranking minority member of the Subcommittee on Education, Training, and Employment, and all members of the Subcommittee, for their support and cooperation. Additionally, Mr. Chairman, I want to express my appreciation to you and to BOB STUMP for enabling us to move this legislation so quickly.

Finally, I want to thank BILL CLAY, BEN GILMAN, and GERRY SIKORSKI of the Post Office and Civil Service Committee for their assistance and cooperation. They made several excellent recommendations concerning provisions affecting Federal employees which we incorporated in H.R. 1578, as reported.

H.R. 1578, as amended, is a good and necessary bill, and I urge my colleagues to support it.

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

Mr. Speaker, I rise in strong support of H.R. 1578, as amended, the Uniformed Services Employment and Reemployment Rights Act of 1991. This is the longawaited revision of the veterans' reemployment rights laws which has been closely coordinated between the various concerned executive de-

partments and the House Veterans' Affairs Committee.

We recognize that most employees are not trying to take advantage of their employers, and that most employers are supportive of military service. H.R. 1578 is intended to be a clear statement of the rights and obligations between employee and employer in an atmosphere of cooperation and understanding.

I am pleased the administration strongly supports this bill. Hopefully, the other body will give this bill the high priority it deserves, and will expedite its consideration.

It could not have come at a better time, because, as we all know, reemployment concerns in the coming months are going to be high on the list of many veterans of the Persian Gulf war when they return home.

Our purpose is to strengthen and clarify veterans' reemployment rights—to keep what has worked well, to fix what hasn't, and in the process to eliminate some problem areas that have resulted in lawsuits between employee and employer.

Chairman SONNY MONTGOMERY has wasted no time in bringing this very important bill to the floor, and TIM PENNEY and CHRIS SMITH, chairman and ranking minority member of the subcommittee on Education, Training and Employment, carefully studied the whole area of veterans' reemployment rights before deciding on the form the bill would take. I commend each of them.

Mr. Speaker, I urge my colleagues to support this most timely legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH], the ranking member of the Subcommittee on Education, Training and Employment.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend, the gentleman from Arizona [Mr. STUMP], for yielding time to me.

Mr. Speaker, I want to begin, too, by thanking my good friend and colleague, the gentleman from Minnesota [Mr. PENNY], who, in drafting this legislation and working through a rather lengthy process, came up with a very good product. The gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, and the gentleman from Arizona [Mr. STUMP] likewise, are to be complimented for their outstanding leadership on this bill.

Mr. Speaker, the importance of the Selected Reserves as part of our total forces concept has been clearly demonstrated by the Persian Gulf conflict. During this period, some 228,000 Guards and reservists were called up, of which approximately 105,000 were sent to the gulf, almost 20 percent of the 537,000 troops in the region. It is therefore essential that we ensure that the Reserve component remains an appealing choice, capable of attracting well qualified and dedicated individuals. Perhaps the most important protection that we can afford these men and women is the right to return to their civilian jobs without suffering any loss of benefits.

Since the Second World War, the Federal Government has required employers to reemploy members of the military who have served on active duty. The veterans' reemployment rights statute has been effective in serving the interests of returning veterans; however, over the past 50 years the statute has become a confusing and sometimes ambiguous collection of regulations and judicial case histories. The increasing complexity of such matters as insurance coverage and pension plans has left many employers, as well as returning veterans, unsure of exactly what their rights and obligations are under the law.

In an effort to clarify and strengthen veterans' reemployment rights, the executive branch established a task force comprised of the Departments of Labor, Defense, and Justice, as well as the Office of Personnel Management, to develop a revision to this section of the law—chapter 43 of title 38. On March 5 of this year, after more than 3 years of work by the task force, the administration presented the Congress with recommendations and draft legislation to rewrite the veterans' reemployment rights statute.

Concurrently, the Vetarans' Affairs Committee drafted separate legislation—largely based upon the work of the task force. On March 7, the Subcommittee on Education, Training and Employment held a hearing on this draft legislation and subsequently on March 21, Mr. PENNY, myself, Mr. MONTGOMERY, and Mr. STUMP introduced H.R. 1578, the Uniformed Services Employment and Reemployment Rights Act of 1991.

Mr. Speaker, the legislation we are considering today will provide both returning veterans and their employers a clear explanation of their respective rights and obligations. In addition, H.R. 1578 will expand job protection rights to cover Federal employees; eliminate the distinctions in treatment based upon the categories of military service; outlaw employer reprisals against veterans who file claims under the law; provide subpoena power to the Labor Department to investigate allegations of noncompliance; and extend the time period for job protection after active duty service. Mr. PENNY has already described many of the provisions of the H.R. 1578, so I would like to focus on the sections of the legislation that were part of the amendment that I offered during subcommittee markup.

First, my amendment changed the length of time allowed seriously disabled veterans to return for reemployment. Under my amendment, seriously disabled veterans would have up to 2 years of job protection. The 2-year period is necessary in order to enable seriously injured veterans to undergo appropriate rehabilitation, adjust to their new disability, and learn to carry out their jobs under these new circumstances. The veteran would be obligated to inform his employer of his intent to return to his job, his medical prognosis, his plans for rehabilitation, and his progress in rehabilitation.

Second, my amendment stipulates that a civil penalty of up to $25,000 may be imposed upon any employer who willfully fails or refuses to comply with any provisions of the reemployment statute. Mr. Speaker, the purpose of the veterans reemployment rights statute is to foster a positive relationship between employers and returning veterans, and in most instances this has been the prevailing result. However, in cases of willful violation of the law, we must provide the Department of Labor the discretion to impose civil penalties against recalcitrant violators.

Finally, my amendment added a provision to H.R. 1578 to require the Department of Labor to report annually to Congress regarding the status of reemployment cases. The report will include information regarding the number of cases being reviewed by the Department of Labor, the number of cases referred to the Justice Department, the number of pleadings filed by the Justice Department, the nature and status of each such case, an analysis of any patterns of violations, as well as recommendations for future administrative or legislative changes. The report will be due on February 1, 1992, and subsequently on an annual basis. This report should provide the Congress with a more timely gauge of the effectiveness of the veterans reemployment rights statute.

Mr. Speaker, as the 220,000 guardsmen and reservists participating in Operation Desert Storm return home, it is absolutely vital that we ensure that these men and women are able to return to their civilian jobs without delay and without penalty. It would be a tragedy if the men and women who have risked their lives for their fellow Americans were penalized as a result of their services in our Armed Forces.

H.R. 1578, the Uniformed Services Employment and Reemployment Rights Act of 1991, is strongly supported by the administration and the Department of Labor. As a cosponsor of H.R. 1578, I would urge all of my colleagues to support this vital legislation.

□ 1300

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. HARRIS], a member of the committee.

Mr. HARRIS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in strong support of H.R. 1578, the Uniformed Services Employment and Reemployment Rights Act of 1991.

This legislation contains many needed changes to the employment and reemployment rights of our veterans. These changes are needed and will improve and strengthen existing law to help protect veterans' rights. Our veterans have risked their lives to fight for our country and in some instances are now returning home to find their jobs taken from them. I believe that our veterans deserve better.

For more than 50 years, the veterans reemployment rights provisions of Federal law have protected the employment and reemployment rights in the civilian sector of members of the armed services. However, with the recent situation in the Persian Gulf it became apparent our Nation has an increasing dependency on the National Guardsman and reservists to protect our country's interest abroad. These troops are now returning to the civilian sector so it is especially important that we ensure their employment prospects.

H.R. 1578 resolves this problem and that Mr. Speaker is why I am a cosponsor of this legislation. I would like to thank Chairman MONTGOMERY and subcommittee Chairman PENNY for addressing this important issue and hope that my colleagues will join me in supporting this measure.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WATERS], another member of our committee.

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the Veterans Employment and Reemployment Rights Act of 1991. I would like to commend subcommittee Chairman PENNY for his diligent work in this area. In addition, I commend the efforts of Chairman MONTGOMERY for helping to bring this important legislation to the floor in a timely manner.

Thousands of troops are returning from the Persian Gulf weekly. This legislation ensures the employment rights of those who were called to serve during the war in Iraq. In addition, it tightens the enforcement mechanisms and appeal process for veterans who feel they have not been treated fairly under the act.

Past experience has shown that claims under the Veterans Reemployment Act may not receive timely consideration. Consequently, veterans occasionally must hire private counsel to ensure the fair and expeditious handling of their case.

However, many, even most veterans seeking claims under this law are of low or moderate income status. Therefore, legal representation might very well be out of their reach. As a result, I offered an amendment which gives the court the latitude to include legal fees, expert witness fees, and other expenses as part of a successful settlement.

This type of court discretion already exists for civil rights claimants. The Veterans' Affairs Committee decided, without dissent, that veterans deserve the same treatment.

With this inclusion, I fully support passage of the legislation and I thank the gentleman for yielding me this time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I know that TIM PENNY and CHRIS SMITH worked closely with the Departments of Labor, Defense, Justice, and the Office of Personnel Management in developing the committee bill. It is largely derived from an administration proposal, and the guidance and advice of these agencies were extremely helpful.

Before yielding back the balance of my time, Mr. Speaker, I want to express my sincere appreciation to Joe Womack, assistant counsel of the Office of the Legislative Counsel, for his hard work on this legislation. Joe's skills as a drafter and his abundance of knowledge, patience, and common sense have made him invaluable to our committee. Joe will be leaving the Legislative Counsel's Office at the end of the summer to pursue studies at the Virginia Theological Seminary. Although we deeply regret his leaving, it is entirely appropriate that a good man like Joe should dedicate such wonderful talents to strengthening the moral and religious fiber of our society. The church will be gaining a wise and compassionate teacher, and Joe will continue to serve his fellow man through a greater, more significant forum. We wish him well.

Mr. Speaker, I urge my colleagues to support H.R. 1578.

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

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume, only so that I may concur in the remarks of the chairman of our committee about Joe Womack. We appreciate the hard work he has done on the committee over these past years.

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 1578, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SILVIO O. CONTE NATIONAL FISH AND WILDLIFE REFUGE ACT

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 794) to establish the Connecticut River National Fish and Wildlife Refuge, as amended.

The Clerk read as follows:

H.R. 794

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

TITLE I—SILVIO O. CONTE NATIONAL FISH AND WILDLIFE REFUGE ACT

SEC. 101. SHORT TITLE.

This Title may be cited as the "Silvio O. Conte National Fish and Wildlife Refuge Act".

SEC. 102. FINDINGS.

The Congress finds and declares the following:

(1) The late Silvio O. Conte's many contributions to fish and wildlife conservation merit establishing a National Fish and Wildlife Refuge in his honor.

(2) The Connecticut River and its riparian lands are unique environmental resources which provide habitat for significant anadromous, migratory, and resident fish; migratory waterfowl; and other wildlife species, including such threatened or endangered species as the shortnosed sturgeon, bald eagle, Puritan tiger beetle, dwarf wedge mussel, Jesup's milk vetch, and piping plover.

(3) The Federal Government has spent over $600,000,000 to clean up the Connecticut River and improve the quality of its fish and wildlife habitat, resulting in the reestablishment or improvement of the populations of many species such as the Atlantic salmon, American shad, bald eagle, and peregrine falcon.

(4) The Connecticut River valley is home to over 2,000,000 people, and environmental education and natural resource based recreation opportunities that are of great value.

(5) The environment of the Connecticut River Valley is under enormous stress as a result of increased pressure from commercial and industrial development.

(6) The environmental degradation of the Connecticut River and its riparian lands would result in the permanent loss of unique social, educational, and environmental assets and would devalue the significant Federal investment made to clean up the river.

SEC. 103. DEFINITIONS.

For the purposes of this Title—

(1) the "Advisory Committee" means the Silvio O. Conte National Fish and Wildlife Refuge Advisory Committee established under section 107;

(2) the term "affected States" means the Commonwealth of Massachusetts, Vermont, New Hampshire, and Connecticut;

(3) the term "refuge" means the Silvio O. Conte National Fish and Wildlife Refuge established by section 104;

(4) the term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service;

(5) the term "selection area" means the lands, waters, and interests therein of the Connecticut River basin from its source to the sea including its tributaries and watersheds; and

(6) the term "Service" means the United States Fish and Wildlife Service.

SEC. 104. ESTABLISHMENT OF REFUGE; SELECTION OF LANDS.

(a) ESTABLISHMENT OF REFUGE.—There is hereby established the Silvio O. Conte National Fish and Wildlife Refuge, consisting of the lands, waters, and interests therein designated pursuant to subsection (c).

(b) PURPOSES.—The purposes of the refuge are—

(1) to conserve, protect, and enhance the Connecticut River valley populations of Atlantic salmon, American shad, river herring, shortnosed sturgeon, bald eagles, peregrine falcons, osprey, and other native species of plants, fish, and wildlife;

(2) to encourage the natural diversity of plant, fish, and wildlife species within the refuge and to provide for their conservation and management;

(3) to protect species listed as endangered or threatened, or identified as candidates for listing pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et. seq.).

(4) to preserve and enhance the water quality of aquatic habitat within the refuge;

(5) to fulfill the international treaty obligations of the United States relating to fish and wildlife; and

(6) to provide opportunities for scientific research, environmental education, and recreational activities, to the extent compatible with the other purposes stated in this subsection.

(c) SELECTION OF LANDS.—Within two years after the date of the enactment of this Act, and after consulting with the Advisory Committee, appropriate State and local officials and private conservation organizations, the Secretary shall—

(1) define and designate the refuge boundaries, including all subunits, within the selection area; and

(2) prepare a detailed map depicting the refuge boundaries designated under paragraph (1), which the Secretary shall keep on file and available for public inspection at the offices of the Service, and publish notice in the Federal Register of such availability.

(d) REVISIONS.—The Secretary may make such minor revisions in the boundaries of the refuge defined and designated under subsection (c)(1) as may be appropriate to carry out the purposes of this Title or to facilitate the acquisition of property within the refuge.

SEC. 105. ACQUISITION.

The Secretary may acquire for inclusion in the refuge, by purchase, gift, or lease, such areas of land and waters, or interests therein (including permanent conservation easements) within the boundaries defined and designated under section 104(c), as the Secretary determines to be suitable for the purposes of this Title. All land, waters, and interests so acquired shall be part of the refuge.

SEC. 106. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer all lands, waters, and interests therein acquired under section 105 in accordance with—

(1) the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) and the Refuge Recreation Act (16 U.S.C. 460k–460k–4); and

(2) the purposes of the refuge, as set forth in section 104(b).

(b) USE OF OTHER AUTHORITY.—The Secretary may utilize such other statutory authority as may be available to the Secretary for the conservation and development of fish and wildlife and natural resources, the development of outdoor recreation opportunities, and interpretive education, as the Secretary considers appropriate to carry out the purposes of the refuge as set forth in section 104(b).

SEC. 107. SILVIO O. CONTE NATIONAL FISH AND WILDLIFE REFUGE ADVISORY COMMITTEE.

(a) ESTABLISHMENT AND FUNCTIONS.—There is hereby established a committee to be known as the "Silvio O. Conte National Fish and Wildlife Refuge Advisory Committee" (hereinafter referred to as the "Advisory Committee") which shall advise the Secretary on matters relating to the:

(1) identification of areas of special concern within the selection area, the conservation of which by cooperative agreement would further the purposes for which the refuge is established;

(2) identification of activities within or related to the selection area that may adversely affect the purposes for which the refuge is established;

(3) provision of education outreach and informational programs; and

(4) establishment of cooperative agreements with private landowners, Federal, State and local governments or agencies, and conservation organizations, with respect to wise use and management of areas of special concern and the conduct of activities identified under paragraphs (1) and (2) of this section.

(b) MEMBERSHIP; TERMS.—The advisory committee shall be composed of 15 Members, each appointed by the Secretary for a term not to exceed 2 years, as follows:

(1) 4 members, including 1 from each of the affected states, to be recommended by the Governor of each state as representing the cities or towns bordering the Connecticut River and its tributaries;

(2) 4 members, including one from each of the affected states, to be recommended by the Governor of each state as representing state agencies with responsibility for conservation or water quality programs;

(3) 4 members, including 1 from each of the affected states, to be appointed from recommendations made by the Governor of that affected state; who shall represent nonprofit conservation organizations or citizens groups with a direct interest in the purposes of the refuge;

(4) 1 member of the Long Island Sound Management Conference;

(5) 1 member from the Department of the Interior; and

(6) 1 member from the Department of Commerce.

(c) QUALIFICATIONS.—Members of the Advisory Committee shall have expertise or demonstrated interest in fish and wildlife conservation matters.

(d) CHAIRMAN.—The Secretary shall designate 1 member of the Advisory Committee to be its Chairman.

(e) VACANCIES.—Any vacancy in the Advisory Committee shall be filled in the same manner in which the original appointment was made.

(f) COMPENSATION.—A member of the Advisory Committee shall not receive any compensation for service on the Committee.

(g) MAJORITY VOTE.—The Advisory Committee shall act by affirmative vote of a majority of the members thereof.

(h) TERMINATION.-The Advisory Committee shall function during the two years necessary for the Secretary to establish the refuge boundaries, and shall cease to exist after that time.

SEC. 108. INTERPRETATION AND EDUCATION CENTER.

The Secretary is authorized to construct, administer, and maintain, at an appropriate site near or within the refuge, an aquatic resources and wildlife interpretation and education center, along with administrative facilities, to provide an opportunity for the study and enjoyment of aquatic resources and wildlife in its natural habitats.

TITLE II—FISH HABITAT CONSERVATION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the Fish Habitat Conservation Act.

SEC. 202. FINDINGS.

(1) Fishery resources are integral components of, and play an essential role in, ecosystems where they occur. Self-sustaining fish populations are far more biologically desirable than those substantially dependent on artificial production systems. Fish have specific habitat requirements that are essential for them to complete their life cycle.

(2) Despite statutory mandates, regulations and programs to control harvest and prevent environmental degradation, destruction of fish habitat has played, and continues to play, a significant role in the decline of fish populations. Some fish populations are so depleted as to warrant protection under the Endangered Species Act.

(3) The U.S. Fish and Wildlife Service has authority to acquire fish habitat to protect or manage it, to provide recreational opportunities, and for other purposes under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a–742j) and the Refuge Recreation Act (16 U.S.C. 460k—460k–4) among other statues, but has rarely used that authority.

SEC. 203. PURPOSE.

The purpose of this Title is to protect, restore and conserve important fish habitat.

SEC. 204. DEFINITIONS.

For the purposes of this Title—

(1) the term "fish" means any freshwater, diadromous, and estuarine organism, other than a marine mammal or bird, and includes finfish, shellfish, crustaceans and other aquatic organisms, and the egg, spawn, spat, larval and other juvenile stages of all such organisms;

(2) the term "fish habitat" means any area, landward of mean low tide, and adjacent wetlands, on which fish depend, directly or indirectly, to carry out their life processes, and includes—

(A) any area used by fish for spawning, incubation, nursery, rearing, food supply, or migration; and

(B) any area adjacent to the aquatic environment if such adjacent area—

(i) contributes elements, such as the input of detrital material or the promotion of planktonic and insect populations providing food, which make fish life possible;

(ii) protects the quality of water supplies on which fish are dependent; or

(iii) protects the aquatic environment;

(3) the term "Secretary" means the Secretary of the Interior acting through the Director of the United States Fish and Wildlife Service; and

(4) the term "System" means the National Wildlife Refuge System administered under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee).

SEC. 205. FISH HABITAT CONSERVATION PLANS

(a) IN GENERAL. —The Secretary shall develop within one year after the date of enactment of this Act, and thereafter periodically review and revise, a national fish habitat conservation plan which shall specify the types of fish habitat which should be given priority with respect to Federal, State, and other acquisition. This plan shall identify types of fish habitats of concern, criteria for

establishing acquisition priorities for each fish habitat type, and guidance for developing regional fish habitat conservation plans. The Secretary shall develop, and periodically review and revise, regional fish habitat conservation plans that identify specific fish habitat to be acquired; determine whether Federal acquisition of specific areas is appropriate; identify, where appropriate, modifications in the management of fish habitat to help achieve the purposes of this Title; and establish priorities for each region.

(b) CONSULTATION. —The Secretary shall develop the plans required by subsection (a) after consultation with the following:

(1) the Secretary of Commerce;

(2) the chief executive officer of each State fisheries agency, and other appropriate representatives of each State;

(3) Indian Tribes; and

(4) other interested entites that are knowledgeable about fish conservation.

(c) FACTORS TO BE CONSIDERED. —The Secretary, in indentifying fish habitats to be included in the plan required by subsection (a) and in establishing the basis for priorities for acquisition of those areas; shall consider—

(1) the estimated cumulative loss, current rate of loss, and the threat of future losses of each fish habitat type;

(2) the contribution of each fish habitat type to—

(A) fishery resources;

(B) commercial fisheries;

(C) recreational fishing and other outdoor recreation; and

(D) maintenance of biodiversity; and

(3) other areas or concerns the Secretary considers appropriate.

SEC. 206. IDENTIFICATION AND ACQUISITION OF FISH HABITAT.

(a) IN GENERAL.—Not later 6 months after the date of enactment of this Act, the Secretary shall begin identifying and acquiring in accordance with this Title lands, waters, and interests therein that are appropriate for inclusion in the National Wildlife Refuge System for the purpose of protecting important fish habitat. Upon the completion of the fish habitat conservation plans prepared under section 205 of this Title, the identification of lands to be acquired for the conservation of fish habitat shall be based on those plans.

(b) ACQUISITION PRIORITIES.—In setting land acquisition priorities for the United States Fish and Wildlife Service, the Secretary shall give equal consideration to fish habitat as is given to other types of habitat, and shall modify the U.S. Fish and Wildlife Service Land Acquisition Priorities System Application Manual accordingly.

SEC. 207. ADMINISTRATION OF ACQUIRED LANDS, WATERS AND INTERESTS.

(a) IN GENERAL.—All lands, waters, and interests therein acquired by the Secretary pursuant to this Title—

(1) shall be included in existing National Wildlife Refuges or shall be established by the Secretary as new units of the System, and in each case, shall be known as a "National Fish and Wildlife Refuge" and

(2) shall be administered as part of the System by the Secretary in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) and the Refuge Recreation Act (16 U.S.C. 460k-460k-4).

(b) FISH HABITAT PROTECTION PURPOSES.—The purposes of any unit of the System in which are included any lands, waters or interests therein acquired pursuant to this Title shall include the following, which shall be in addition to any other purposes of the unit:

(1) the conservation and enhancement of fish, wildlife, plants and their habitats;

(2) preservation and enhancement of the water quality of aquatic habitats;

(3) protection of species listed as endangered or threatened, or identified as candidates for listing pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1513 et seq.);

(4) conservation of migratory birds;

(5) management of corridors for the migration and dispersal of fish, wildlife and plants;

(6) fulfillment of the international treaty obligations of the United States with respect to fish and wildlife; and

(7) provision of opportunities for scientific research, environmental education, and recreational activities, to the extent compatible with the other purposes of this subsection.

(c) COMMERCIAL FISHING.—The Secretary shall not acquire, pursuant to this Title, lands, waters, or interests therein on which occur commercial fishing activities which would be incompatible with the purposes set forth in this section.

SEC. 208. ANNUAL REPORT.

On the date on which the President submits a budget to the Congress each year pursuant to section 1105 of Title 31, United States Code, the Secretary shall submit to the Congress a report—

(a) listing all the lands, waters, and interests therein identified in the fish habitat conservation plans prepared pursuant to section 105 of this Title

(1) for the acquisition of which amounts are included in the President's budget or

(2) which have been acquired; and

(b) listing those areas of fish habitat which the Secretary believes are appropriate for inclusion in the System, but which may not be acquired under this Title.

TITLE III—COASTAL WETLAND GRANTS

SEC. 301. COST-SHARING FOR STATE COASTAL WETLANDS GRANTS.

(a) FEDERAL SHARE.—Section 305(d)(1) of the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3954(d)(1)) is amended by striking "from which the principal is not spent" and inserting in lieu thereof "consisting of monies from a recurring source";

(b) EFFECTIVE DATE.—This amendment shall apply to grants awarded in fiscal year 1992 and each fiscal year thereafter.

TITLE IV—MORRIS K. UDALL NATIONAL WILDLIFE REFUGE

SEC. 401. REDESIGNATION OF BUENOS AIRES NATIONAL WILDLIFE REFUGE.

(a) REDESIGNATION.—The Buenos Aires National Wildlife Refuge, located in the State of Arizona, is redesignated and shall be known as the "Morris K. Udall National Wildlife Refuge.

(d) REFERENCES.—Any reference in a law, regulation, map, document, paper or other record of the United States to the national wildlife refuge referred to in subsection (a) of this section is deemed to be a reference to the "Morris K. Udall National Wildlife Refuge".

TITLE V—CULEBRA NATIONAL WILDLIFE REFUGE

SEC. 501. HEADQUARTERS FACILITY FOR CULEBRA NATIONAL WILDLIFE REFUGE.

The headquarters facility and residence for the Culebra National Wildlife Refuge may be constructed on lands leased from the Commonwealth of Puerto Rico on a long-term basis.

TITLE VI—PUBLIC SAFETY ON NATIONAL WILDLIFE REFUGES

SEC. 601. PUBLIC SAFETY ON NATIONAL WILDLIFE REFUGES.

The Director of the Fish and Wildlife Service shall ensure that efforts to conserve and manage wildlife populations on National Wildlife Refuges are conducted with full regard to public safety.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

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

Mr. Speaker, H.R. 794 is an omnibus fish and wildlife conservation bill that was introduced by the widely respected and sorely missed gentleman from Massachusetts, Silvio Conte, shortly before his death.

The primary purpose of the bill is to establish a national fish and wildlife refuge in Silvio's beloved Connecticut River Valley; a refuge that our committee voted to designate the Silvio O. Conte National Fish and Wildlife Refuge.

Not long ago, the Connecticut River was known as the prettiest sewer in America, the victim of agricultural and urban runoff, overflowing storm drains and pollution from paper mills. By the middle of this century, the river had been virtually destroyed as a recreational and fisheries resource.

Silvio Conte led the fight to reclaim the Connecticut, to clean it up, to bring back its fisheries, and to restore its beauty. And, on the whole, he won that fight. Today, the river is healthier by far than it was three or four decades ago. But that very success has created new pressures for development that could undo the progress that has been made. That is why the goal of H.R. 794 is permanent protection; to identify areas along the river that are of special importance and to acquire them or to otherwise ensure their preservation for as long as it is in our power to do so.

During committee consideration, we amended the bill to include several additional but related titles. Title II seeks to do for our Nation a little bit of what the Conte bill will do for the Connecticut River Valley. More than 30 percent of the native freshwater species found in the United States and Canada are endangered, threatened or otherwise imperiled. The main reason is destruction of habitat. Accordingly, the title directs the fish and wildlife service to identify important fisheries habitat and to give it a status equal to that accorded to wildlife habitat when setting priorities for the acquisition of new refuge lands.

Title VI of the bill directs the Fish and Wildlife Service to ensure that efforts to conserve and manage wildlife populations on National Wildlife Ref-

uges are conducted with full regard to public safety. This title was prompted by concerns that have been expressed to the committee about potential risks to the public from certain activities conducted on at least one refuge. The directive is intended to ensure that public safety considerations will be taken into account in the management of refuge operations.

Other titles have been added to the bill to encourage broader State participation in the National Wetlands Conservation Program, to permit the construction of a facility at the Culebra National Wildlife Refuge in Puerto Rico, and to redesignate the Buenos Aires National Wildlife Refuge in Arizona as the Morris K. Udall National Wildlife Refuge.

I would note that our committee only very rarely votes to name a wildlife refuge after an individual. Refuges are not, after all, post offices. But I doubt there is a Member of this body who would argue with either of the two exceptions we have made in this bill. Silvio Conte was the leading sportsman-legislator of his time; Mo Udall, the leading conservationist—a conservative in the truest sense of that word. By identifying the Wildlife Refuge System closer with their names, their energies, their ideals, their accomplishments and their values, we do not so much honor them as bring reflected honor upon the Refuge System itself.

In closing, let me just say that this legislation was developed and considered in the bipartisan tradition of our committee. Thanks are due, in particular, to the gentleman from Alaska, Mr. YOUNG and to our full committee chairman, Mr. JONES. The bill includes recommendations made to our committee by the executive branch and the public; it will be of enormous benefit to the fish and wildlife resources of our country; it authorizes no additional funds, and it includes a fitting tribute to two of the finest people ever to serve in this House.

I do not mean to be threatening, but I do have to warn Members that if Silvio Conte were here with us today, and who knows, he may be, I suspect he would accord any Member who votes against this bill the same treatment he has accorded in the past to low-flying and slow-moving geese.

I hope—and believe—that we will approve this legislation today unanimously and enthusiastically, and that the other body will act with uncharacteristic speed to send the measure to the White House to be signed into law.

□ 1310

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

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

I would strongly suspect, I would say to the gentleman from Massachusetts, that Mr. Conte is here in some way and I would suspect also that he would wish off on any Member who voted against this legislation a plague of honeybees.

I am pleased to rise in strong support of this legislation, and I think it is very fitting that we pay tribute to those two gentleman in the way that we have chosen to, particularly naming the Buenos Aires Wildlife Refuge after our friend, Congressman Udall. It will be greatly appreciated by him and by his family. It is a refuge that he was particularly close to, and I and the rest of the Arizona delegation are honored by the actions of the committee in recognizing his service in this way.

Mr. Speaker, I yield the balance of my time to the gentleman from Alaska [Mr. YOUNG] to manage the bill on our side.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 794 and urge its adoption by the House.

As passed and amended by the committee, H.R. 794 contains several titles. The legislative history and intent of the committee regarding the provisions of this bill can be found in the report filed to accompany the bill.

One provision offered as part of the committee amendment requires that conservation and management of wildlife populations on refuges are conducted with full regard to public safety. The committee is including this language to highlight the need to be aware of public safety concerns. It is not intended to pass judgment on any activity occurring on a refuge that has been deemed by the Fish and Wildlife Service to be compatible with the purposes of the refuge.

Mr. Speaker, I want to spend just a few moments addressing the two titles of this bill which refer to our colleagues. Title I establishes a wildlife refuge in honor of the late Silvio Conte. Silvio was a strong supporter of fish and wildlife conservation. I believe we are doing right by creating a wildlife refuge in his part of the world in his honor.

As much as I admired and respected Silvio Conte, title IV of this bill is even more important to me personally. This title renames the Buenos Aires National Wildlife Refuge after our recently departed colleague, Mo Udall.

I have served with Mo on the Interior Committee since I first came to the House in 1973. Mo was a leader in promoting the conservation of our natural resources. As chairman of the Interior Committee, he was responsible for dozens of bills that set aside land for the benefit of future generations.

Mo and I did not always agree on the terms of legislation but he was always a gentleman. Whether we agreed or disagreed, I could count on him to be fair, and to recognize the rights of the minority. Further, Mo fought hard for his ideals. He did not support land preservation because it was the politically correct thing to do, or because it was the most popular topic in the media this week. Mo truly believed in what he was fighting for, and for that he should be given great credit.

Mo supported the creation of the Buenos Aires National Wildlife Refuge in his home State of Arizona. It was established to protect various endangered species. When an opportunity came to expand the refuge at no cost to the taxpayers, Mo was first in line in seeing that land was added. It is entirely fitting that this refuge serve as a tribute for his great work for the American people.

Mr. Speaker, many of us have seen Members leave this body during our time here in the House. I think the two Members we are honoring today deserve unanimous support for their achievements and I urge passage of this bill.

Mrs. LOWEY of New York. Mr. Speaker, I rise today in support of H.R. 794, legislation to establish a national fish and wildlife refuge in the Connecticut River refuge in the Connecticut River Basin. I want to compliment the chairman of the Fish and Wildlife Subcommittee, Mr. STUDDS, for his work in bringing this measure to the floor, which would also name the Connecticut River refuge after our recently deceased colleague, Silvio Conte, who originally sponsored this legislation.

I am particularly pleased that the largest segments of the refuge are expected to include the Connecticut River's headwaters and wetland areas near the mouth of the river as it enters Long Island Sound. The Long Island Sound study has found that a significant portion of the nutrient loading which is literally choking the life out of the Sound originates from sources in the Sound's watershed, including the Connecticut River. By establishing a refuge that will protect the Connecticut River's vital headwaters and wetlands near the Sound, this legislation will provide important assistance to ongoing efforts to reduce the influx of nutrients which cause such severe harm to the Sound. I urge my colleagues to support this measure, and I thank the Speaker.

Mr. SCHEUER. Mr. Speaker, I rise today in support of H.R. 794, the Connecticut River Fish and Wildlife Refuge Act. By passing this bill we pay homage to two former Members of this body, and two close friends of mine, Congressman Silvio Conte and Congressman Morris K. Udall. Both Congressman Conte and Congressman Udall devoted a large part of their careers to preserving our Nation's environment and wildlife. I can think of no honor more befitting these two colleagues than naming these two fish and wildlife refuges after them.

Last year the Long Island Sound Study Commission completed an extensive report on the environmental status of the Sound. The results were not good. The Sound's ecosystem is in grave danger; the western part of the Sound has suffered nearly complete oxygen depletion. The report estimated that it will cost

at least $5½ billion to clean up Long Island Sound.

The Connecticut River feeds into Long Island Sound, and while contaminants from incoming rivers are by no means the only source of the Sound's problems, they do contribute. Recent efforts to clean up the river have been a big help to the health and viability of the Sound, but rapidly increasing recreational use and development threaten the progress we have made.

The additional fish and wildlife refuges, especially those located near the mouth of the river where it empties out into the Sound, are crucial. They will help prevent further deterioration of the Connecticut River and help preserve the delicate balance of life in Long Island Sound.

I urge all my colleagues to vote for H.R. 794.

Mr. DAVIS. Mr. Speaker, I rise in support of H.R. 794, legislation which establishes the Silvio O. Conte National Fish and Wildlife Refuge along the Connecticut River. This action is a fine tribute to a man who was dedicated to the protection and enhancement of our Nation's natural resources. During his tenure on the Migratory Bird Conservation Commission, 80 new wildlife refuges were approved, protecting over 3 million acres of wildlife habitat. I enjoyed working with him on the North American Wetlands Conservation Act, a program that is restoring waterfowl habitat and protecting wetlands throughout North America. His love of the outdoors will long be remembered and the establishment of the Silvio O. Conte National Fish and Wildlife Refuge is a fine way to memorialize this conservationist.

Mr. Speaker, at the Merchant Marine and Fisheries Committee markup of the bill, my colleague, Congressman YOUNG, amended the text to include tribute to another one of our distinguished colleagues, Congressman Mo Udall. The amendment renames the Buenos Aires National Wildlife Refuge in Arizona as the "Morris K. Udall National Wildlife Refuge." This action is a fine way of recognizing Congressman Udall's involvement in the preservation of our outdoor treasures.

Mr. Speaker, this is a good bill and I support its adoption.

Mr. FIELDS. Mr. Speaker, I rise in support of H.R. 794, legislation establishing the Silvio Conte National Fish and Wildlife Refuge along the Connecticut River.

This legislation recognizes the many contributions that the late Silvio Conte made to the fish and wildlife resources of our Nation. I firmly believe it is appropriate to establish the Silvio Conte National Fish and Wildlife Refuge in his honor.

Mr. Speaker, title VI of H.R. 794 addresses an issue that I would like to briefly share with my colleagues. Specifically, section 601 of the bill directs the Fish and Wildlife Service to ensure that efforts to conserve and manage wildlife populations on national wildlife refuges be conducted with full regard for public safety. This directive originates from litigation involving the Mason Neck National Wildlife Refuge in Virginia. This refuge became a part of the national wildlife refuge system in 1969, and for 20 years the population of white-tailed deer on that refuge has been allowed to grow unchecked. In fact, studies and monitoring of the deer have indicated that the population has exploded to the point that some control is needed.

Mr. Speaker, in 1989, the Fish and Wildlife Service moved toward controlling the deer herd by offering a hunt on the refuge under the authority of the National Wildlife Refuge Administration Act of 1966.

The Fish and Wildlife Service held the hunt and was subsequently sued by the Humane Society of the United States. The court was unable to rule in the case, and, in 1990, the Fish and Wildlife Service again proceeded with a hunt for white-tailed deer for management purposes. As a result, the Humane Society of the United States again sought an injunction by the court on the hunt, which was subsequently denied.

Mr. Speaker, my reason for providing my colleagues with this brief history is to establish the fact that the Fish and Wildlife Service has managed, and is managing, the white-tailed deer population at the Mason Neck Wildlife Refuge in a responsible manner. The hunt is strictly monitored to provide the public with this hunting opportunity and to allow professional wildlife biologists to employ the proper use of this activity as a management tool. The Fish and Wildlife Service is administering the hunt with a number of restrictions, such as limiting the number of hunters, creating buffer zones along the refuge boundary, requiring hunter safety and proficiency testing, requiring that hunters wear orange clothing, and limiting the hunt to shotguns only.

Mr. Speaker, the Service has acted properly to safeguard public safety for residents living near Mason Neck Wildlife Refuge and to ensure that the hunt does not adversely affect any of the endangered species that are found in this area.

Thank you, Mr. Speaker, for allowing me to provide some historical balance on this issue, and I urge my colleagues to vote "aye" on H.R. 794.

Mr. NEAL of Massachusetts. Mr. Speaker, I would like this opportunity to thank GERRY STUDDS, chairman of the Merchant Marine Subcommittee on Fisheries and Wildlife Conservation and the Environment, for his expertise in handling fisheries and wildlife issues. I am happy to join with all of those who care for the environment in support of H.R. 794, a bill which would take steps to establish a national fish and wildlife refuge in the Connecticut River basin. I have great respect for the late Representative Silvio Conte, who was the original sponsor of H.R. 794. As a Member of Congress, Representative Conte, supported and worked for the improvement of the Connecticut River over the years, and always spoke proudly of his close ties to this river which runs through both of our districts. Thirty years ago, the Connecticut River was seriously polluted and was a potential threat to the environment and to the surrounding communities. However, through the stalwart efforts of Silvio Conte and others we have been able to pass several Federal initiatives which greatly improved the water quality of the Connecticut River.

The Connecticut River is the largest river in New England and runs from New Hampshire through Vermont, Massachusetts, Connecticut, and Long Island Sound. It is one of New England's most treasured natural resources and a valuable asset from a recreational as well as a commercial standpoint. It is with great pride that I point out that H.R. 794 would create the Silvio O. Conte National Fish and Wildlife Refuge on specific lands and waters which are part of the Connecticut River Basin.

In addition, this bill would establish a national fish habitat conservation program and advance a vital fish environment program in the United States. It would promote the preservation, improvement, and restoration of this essential program. Recent estimates conclude that our native freshwater fish supply in the United States and Canada is rapidly dwindling and some species are nearing extinction. This bill would encourage the equal protection of both waterfowl and endangered species habitats with the fish habitat.

H.R. 794 would also extend our coastal wetlands grant program, and would allow additional States to receive matching Federal grants, thereby promoting the protection of our coastal wetland.

All of these programs included under this bill would greatly improve the Connecticut River from New Hampshire to the Long Island Sound. I am pleased to stand in support of this measure that will both honor Silvio Conte and do so much to protect perhaps the greatest natural treasure in New England, the Connecticut River.

STATEMENT OF THE CITY OF SPRINGFIELD, MA—MAYOR MARY E. HURLEY

The city of Springfield, Massachusetts supports passage of H.R. 794 to establish the Connecticut River National Fish and Wildlife Refuge. The Connecticut River is a vital natural resource which flows through four New England states. It provides a critical habitat for a variety of fish and wildlife species that are native to the Northeast. Given the fact that the Connecticut River Basin is populated with over 2,000,000 people, it is crucial that the strides made in restoring the vitality of Connecticut River be strengthened. Passage of this legislation will ensure access to quality recreational opportunities and assure the protection of an integral resource in the Connecticut River Valley.

Springfield is interested in being an active participant in conjunction with the federal government in guaranteeing that the full potential of this bill can be realized. A truly fitting tribute to the memory of the Honorable Silvio Conte, would be to not only designate the Connecticut River as a National Fish and Wildlife Refuge, but to commit the resources to establish facilities that will engender and teach future generations about the Connecticut River.

The City of Springfield offers its ongoing support of H.R. 794 with the goal of creating a national tribute to an individual who was instrumental in the protection of the natural environment and to the Connecticut River as a vital interstate resource.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 794, a bill to establish the Connecticut River Fish and Wildlife Refuge. This legislation is important in to ways. It establishes much needed protection for the Connecticut River Basin, which is the largest river basin in New England. It establishes a fish habitat conservation program under which the U.S. Fish and Wildlife Service is to protect, restore, acquire, and conserve important fish habitat. It also expands a number of States eligible for Federal

grants under the National Coastal Wetlands Grant Program.

The other important aspect to this legislation is that it names the refuge as the Silvio O. Conte Fish and Wildlife Refuge. The naming of this refuge is a fitting tribute to our friend and former colleague who worked tirelessly in Congress and as a member of the Migratory Bird Conservation Commission to conserve valuable natural resources by working to acquire and protect our Nation's refuges.

One of Silvio's major projects was in protecting the Connecticut River Basin. He realized the importance of the area, and had he not passed away, he would have been right here on the House floor making one of his persuasive and colorful speeches in support of this important legislation.

Mr. Speaker, earlier this year, I proposed a resolution that was adopted by the Migratory Bird Conservation Commission that resolved that Mr. Conte's contributions be memorialized in a new haven for wildlife and fish along his beloved Connecticut River. I want to thank the committee for accepting the recommendation of the Commission in naming this refuge after our good friend, Silvio.

Mr. Speaker, I would like to insert into the RECORD the text of the resolution that was adopted by the Commission.

MIGRATORY BIRD CONSERVATION COMMISSION RESOLUTION

Whereas, The Honorable Silvio O. Conte, Representative from Massachusetts served with honor and distinction on the Migratory Bird Conservation Commission for twenty-six years commencing on February 1, 1965, and continuing until his death on February 8, 1991, and

Whereas, Mr. Conte's utmost concern for the protection and enhancement of the Nation's migratory bird resources directly contributed to the establishment of 80 new national wildlife refuges that provide a gift of over one million acres of wild lands and waterfowl habitat for present and future generations, and

Whereas, Mr. Conte crafted numerous pieces of legislation to protect and improve our environment including the landmark North American Wetlands Conservation Act of 1989, which he coauthored and which provides up to $25 million annually for wetland and waterfowl habitat preservation and restoration, thereby expanding the role of the Migratory Bird Conservation Commission, and

Whereas, Mr. Conte championed congressional funding of the Anadromous Fish Conservation Act thereby effecting Federal leadership in the propagation, conservation, and restoration of sea-run fishes including the Atlantic salmon in which he had an especially keen interest; Now, therefore, be it

Resolved, That this Commission on its own behalf and on behalf of the Nation's people expresses its deepest sorrow at the loss of Mr. Conte, fellow colleague, statesman, and consummate conservationist, and

Be it further resolved, That Mr. Conte's contributions to the work of this Commission and to the conservation of the Nation's natural resources be memorialized in a new haven for wildlife and fish along his beloved Connecticut River that when established will bear the name of Silvio O. Conte National Fish and Wildlife Refuge.

Mrs. KENNELLY. Mr. Speaker, I rise in strong support of this legislation to establish the Silvio Conte Fish and Wildlife Refuge. It is with great pride that I speak of the Connecticut River. My home State was named for this 400-mile-long body of water. Connecticut is an Indian word which means "winding river." And Connecticut's capital city—Hartford—also derived its name from this great river which flows through the New England States. Hartford refers to the great red deer, the hart, as it crosses or fords the river.

Since settlers colonized Connecticut, the Connecticut River has been a source of livelihood and joy for the people in New England. It has provided a means to exchange commerce; a source of recreation and sport; and a site of beauty and pleasure. In recent years, we have watched the health of the river slowly but surely return. But those of us close to the Connecticut River know that it still has a ways to go. As generations have reaped the benefits of the river in the past, establishing the Fish and Wildlife Refuge will be a step in the right direction to preserving this river basin for generations to come.

I'd like to take this opportunity to say how pleased I am that this refuge will bear the name of the late Representative Silvio Conte so that his great support for New England's natural resources will never be forgotten. With the Connecticut Fish and Wildlife Refuge, Representative Conte's dedication to preserving the health of the environment will be captured in precisely a way he would have wanted it to be.

I urge my colleagues to join me in support for this important legislation.

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

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 794, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to establish the Silvio O. Conte National Fish and Wildlife Refuge along the Connecticut River, and for other purposes.

A motion to reconsider was laid on the table.

NATIONAL SEA GRANT COLLEGE PROGRAM AUTHORIZATION ACT OF 1991

Mr. HERTEL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1370) to reauthorize the National Sea Grant College Program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1370

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Sea Grant College Program Authorization Act of 1991".

SEC. 2. NATIONAL SEA GRANT OFFICE.

(a) MAINTENANCE OF OFFICE.—Section 204(a) of the National Sea Grant College Program Act (33 U.S.C. 1123(a)) is amended to read as follows:

"(a) The Secretary shall maintain, within the Administration, a program to be known as the National Sea Grant College Program. The National Sea Grant College Program shall consist of the financial assistance and other activities provided for in this Act, and shall be administered by a National Sea Grant Office within the Administration. The Secretary shall establish long-range planning guidelines and priorities for, and adequately evaluate, this program.".

(b) OVERSIGHT.—Section 204(c) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)) is amended—

(1) in paragraph (6), by striking "; and" and inserting a semicolon;

(2) in paragraph (7), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(8) oversee the operation of the National Sea Grant Office established under subsection (a) of this section.".

SEC. 3. AUTHORIZATION.

Subsections (a) through (c) of section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131(a)-(c)) are amended to read as follows:

"(a) There is authorized to be appropriated to carry out the provisions of sections 205 and 208 of this Act, and section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a), an amount—

"(1) for fiscal year 1991, not to exceed $44,398,000;

"(2) for fiscal year 1992, not to exceed $46,014,000;

"(3) for fiscal year 1993, not to exceed $47,695,000;

"(4) for fiscal year 1994, not to exceed $49,443,000; and

"(5) for fiscal year 1995, not to exceed $51,261,000.

"(b)(1) There is authorized to be appropriated for administration of this Act, including section 209, by the National Sea Grant Office and the Administration, an amount—

"(A) for fiscal year 1991, not to exceed $2,500,000;

"(B) for fiscal year 1992, not to exceed $2,600,000;

"(C) for fiscal year 1993, not to exceed $2,700,000;

"(D) for fiscal year 1994, not to exceed $2,800,000; and

"(E) for fiscal year 1995, not to exceed $2,900,000.

"(2) Sums appropriated under the authority of subsections (a) and (c) shall not be available for administration of this Act by the National Sea Grant Office, or for Administration program or administrative expenses.

"(c) In addition to sums authorized under subsection (a), there is authorized to be appropriated for priority oyster disease research under section 205 of this Act, an amount—

"(1) for fiscal year 1992, not to exceed $1,400,000;

"(2) for fiscal year 1993, not to exceed $3,000,000;

"(3) for fiscal year 1994, not to exceed $3,000,000;

"(4) for fiscal year 1995, not to exceed $3,000,000.".

SEC. 4. REPEAL OF STRATEGIC MARINE RESEARCH PROGRAM.

(a) REPEAL.—Section 206 of the National Sea Grant College Program Act (33 U.S.C. 1125) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) is amended—

(A) in section 204(c)(3) by striking "sections 205 and 206" and inserting "section 205";

(B) in section 205(b)(3) by striking "or sections 206 of this title";

(C) in section 208(c)(5) by inserting "and" after the semicolon;

(D) by striking section 208(c)(6) and redesignating the subsequent paragraph accordingly;

(E) in section 209(b)(1) by striking "sections 205 and 206" and inserting "section 205"; and

(F) in section 209(c)(1) by striking "or 206".

(2) Section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) is amended to read as follows:

"(A) $3,375,000 to fund grants under the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), and of this amount, $2,500,000 to fund grants in the Great Lakes region; and".

SEC. 5. REPEAL OF MARINE AFFAIRS AND RESOURCE MANAGEMENT IMPROVEMENT GRANTS.

Section 211 of the National Sea Grant College Program Act (33 U.S.C. 1130) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. HERTEL] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. BATEMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. HERTEL].

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

H.R. 1370 reauthorizes the National Sea Grant College Program through 1995, setting separate authorization levels for the Sea Grant "core" Program and for administrative expenses. For fiscal year 1992, the bill provides a total of $50,014,000, including $46,014,000 for sea grant's core research programs, $2,500,000 for administrative expenses, and funding for priority national oyster disease research. In subsequent years, the bill provides a 4-percent adjustment for inflation, using the fiscal year 1986 appropriation of $39,000,000 as a base.

In its efforts to streamline and improve the Sea Grant College Program, the Committee on Merchant Marine and Fisheries recommended repeal of two sections of current law, with the understanding that marine policy and strategic initiatives will continue under the core research program.

Section 4 of H.R. 1370 repeals section 206 of the National Sea Grant College Program, the Strategic Marine Research Program. Section 5 repeals section 211, which provided for the marine affairs and resource management improvement grants.

H.R. 1370 acknowledges the necessity for a directed approach to continue research to combat oyster diseases, by authorizing this program under a separate line item. It will also permit vital control and erradication of aquatic nuisances, such as the menancing zebra mussel, to continue.

The bill restores the Marine Advisory Service, slated for elimination by the administration in the coming fiscal year. The committee's recommendation recognizes that the Marine Advisory Service is a one-of-a-kind, time-tested extension program that provides vital up-to-date technical assistance on marine and coastal issues to coastal property owners, port managers, boaters, and others.

Other favorable features of the Sea Grant College Program that justify its authorization are abundantly illustrated throughout its 25-year history. Through the Sea Grant Program, 29 universities and research institutes link with over 300 colleges nationwide to provide research, advisory and educational programs in coastal and marine science and law.

Through a unique partnership with State and local governments, private industry, and academia, the Federal contribution to marine science is maximized. Expertise and resources are joined in strategic research and development efforts that have yielded major accomplishments over sea grant's 25-year history.

For example, sea grant research has led to the isolation of marine natural products currently used in medicine, commerce, agriculture, and pollution control. Sea grant has aided our domestic fishing industry through the design and testing of efficient commercial fishing gear. Sea grant has developed new aquaculture techniques responsible for enhanced salmon fisheries. And, sea grant has promoted export of U.S. products through international trade and research technology transfer programs.

Despite its demonstrated record of effectiveness, sea grant's budget has been an attractive target for budget savings over the past 10 years. First, sea grant defended itself successfully against Reagan administration attempts toward its elimination. More recently, sea grant's accomplishments, particularly those of the Marine Advisory Service, have provided ample justification for sparing it from Bush administration recommended reductions of almost 40 percent.

The Congressional Budget Office cost estimate concludes that H.R. 1370 will not affect direct spending or receipts; therefore, pay-as-you-go procedures do not apply.

The National Sea Grant College Program authorization bill is cosponsored by 44 of our House colleagues. H.R. 1370 was reported amended by the Merchant Marine and Fisheries Committee by voice vote on May 2, 1991.

I am pleased to offer this bill for consideration by the House of Representatives and recommend its passage.

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

Mr. Speaker, I rise in support of H.R. 1370, to reauthorize the National Sea Grant College Program for 5 years beginning in fiscal year 1991. This bill increases by $4 million per year the core sea grant programs, including basic research grants to sea grant universities, and the Marine Advisory Service. The bill also authorizes priority oyster disease research in fiscal years 1992 through 1995. The bill shows fiscal responsibility by placing a cap on the amount which can be used for administrative purposes.

Since its establishment in 1966, the National Sea Grant Program has greatly increased our understanding of the Nation's ocean, coastal, and Great Lakes resources. More than 300 colleges and research facilities participate in the program, conducting a variety of research, and providing advisory and educational services that contribute to the wise use of these resources.

The Sea Grant Program deserves our support. I encourage all of my colleagues in the House to vote in favor of it.

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

Mr. Speaker, first, I would like to recognize the gentleman from Virginia [Mr. BATEMAN] for all of his help. He is our new ranking member. He has done an excellent job. Of course, all of these bills are important to his district in Virginia.

Mr. Speaker, I yield 5 minutes to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of the National Sea Grant College Program and H.R. 1370. I delivered testimony before Mr. HERTEL's Subcommittee on Oceanography on behalf of the Sea Grant Program, and I am pleased that the Congress has once again demonstrated its support of the program.

The Sea Grant Program occupies a unique place in our system of government. It represents a partnership between government, universities, and industry. Research, education, and advisory services are interconnected to generate creativity, cooperation, and results.

One of the first established Sea Grant College Programs is located at the University of Rhode Island in South Kingston since 1966 in my district.

Mr. Speaker, the Sea Grant Colleges, such as the program at URI, continue to do more with less. Despite limited funding, the program has evolved into

an intricate network that undertakes joint work on national, regional, and local problems. It has also taken the lead in identifying and developing national marine research goals and priorities.

In the areas of biotechnology, the seafood industry and coastal development and maintenance, Sea Grant Programs nationwide are working together for solutions that benefit the entire Nation. Graduate students funded through the Sea Grant Program lend their expertise to the understanding of marine resources nationwide in the fields of ecology, geology, zoology, and anthropology.

The Sea Grant Program has developed into a network capable of addressing our Nation's growing marine and environmental concerns as well as opportunities. It is a program that should serve as a model for opportunities in other areas rather than fight for administration support.

I urge my colleagues to continue their support of this program and vote to reauthorize the National Sea Grant College Program.

Mr. HUGHES. Mr. Speaker, I rise in support of H.R. 1370, the National Sea Grant College Program authorization.

This program was established in 1966 to increase the understanding, assessment, development, utilization, and conservation of our Nation's ocean, coastal, and Great Lakes resources.

This national program consists of a network of over 300 universities and other institutions, in 26 States, Puerto Rico, and the Pacific Island network.

The goal of the Sea Grant College Program is to bridge the gap between Government and academia, and serves as the outreach arm of our Nation's main ocean agency, the National Oceanic and Atmospheric Administration [NOAA]. Sea grant provides an important link between a number of our Federal agencies and the Nation's marine researchers, educators, business leaders, and innovators.

The principal research categories include marine resource development, marine technology, marine environmental research, and marine socioeconomic and legal research. The extension arm of sea grant, the Marine Advisory Service, provides ocean and coastal resource users with current information, recent research findings, and practical advice. It is an essential link between the public and the scientific sectors.

I urge my colleagues favorable consideration, and strong support of this legislation.

Mr. JONES of North Carolina. Mr. Speaker, H.R. 1370, the National Sea Grant College Program Authorization Act of 1991, reauthorizes the Sea Grant College Program for fiscal years 1991 through 1995. The authorization levels contained in H.R. 1370 will allow Sea Grant to make up for losses the program experienced in the 1980's due to inflation and will also allow for a modest expansion of the program.

In addition, the bill establishes a National Sea Grant Office and authorizes appropriations for that office. These changes are intended to improve management of the program. H.R. 1370 also repeals section 206 and 211 of the National Sea Grant College Program Act. Section 206, the Strategic Marine Research Program, has never been funded and sea grant is conducting research of national strategic importance through its core grant program. Similarly, section 211, the Marine Affairs and Resource Management Grant Program, has never been funded since it was enacted in 1988. While this program was never funded, marine policy research remains a central component of Sea Grant's Core Grant Program.

The Sea Grant College Program was established in 1966 to promote a better understanding and utilization of our ocean, coastal, and Great Lakes resources. The program was modeled after the Land Grant College Program. Like the Land Grant Program, sea grant is a three-part program of applied research, extension, and education functions. Since 1966, the program has expanded so that it currently consists of a network of 29 sea grant institutions which cover more than 300 colleges and research institutions. These institutions conduct a wide variety of research, advisory, and education activities in coastal and marine science. H.R. 1380 will ensure that these important activities continue for another 5 years.

I urge my colleagues to support H.R. 1370.

Mr. LAUGHLIN. Mr. Speaker, I am proud to stand here today to voice my support for the Sea Grant College Program and H.R. 1370. Since the program's inception in 1966, sea grant research and education programs have ensured that the lag time between research discovery and application is significantly reduced. Furthermore, the Sea Grant College Program has a significant positive impact on our national economy. In 1987 alone, sea grant had an $842 million impact on the national economy by stimulating new business opportunities and implementing cost-saving productivity improvements. These positive returns touch many areas of the marine economy, including marine biotechnology, commercial fisheries, seafood processing, marine recreation and tourism, coastal and offshore construction, marine trade, and aquaculture.

Texas A&M's Sea Grant College Program has had a remarkable positive impact on my district alone. They have collected and revised data on bottom obstruction locations to reduce loss, damage, and down time to shrimp trawlers. They have also developed aquaculture as a viable commercial industry in Texas. I cannot begin to address all of the other positive contributions of the Sea Grant Program at Texas A&M and indeed all over the country.

Unlike so many other programs that this body funds, the Sea Grant College Program gives something back to our country and to the American taxpayer. I urge all of my colleagues to vote for authorization of this worthwhile program.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of H.R. 1370, the National Sea Grant College Program authorization and urge its adoption by the House.

This bill reauthorizes the National Sea Grant Office, and provides funding levels for the next 5 years. Sea grant research focuses on the development and understanding of our coastal and ocean environments.

In my State of Alaska, sea grant serves as a critical source of funding for university students conducting research and preparing for careers in the marine resources. Marine-related industry is the single largest employer in the State of Alaska.

Sea grant has been a leader in research on such topics as ocean climate and global change, marine mammal protection, and quality and value of fishery products. Alaska sea grant is also a critical player in current research on the impacts of the oilspill in Prince William Sound.

Sea grant programs throughout the United States play a central role in balancing the management, harvesting, and processing of marine resources between the industry, and Federal, State, and local governments.

Mr. Speaker, this is a good bill and funds an excellent program. I urge my colleagues to support it.

Mrs. MINK. Mr. Speaker, I rise today in support of H.R. 1370, the National Sea Grant College Program Authorization Act of 1991, and strongly endorse its passage today.

Mr. Speaker, the administration's proposed cuts in the funding of this program will have a devastating effect on the success of Sea Grant colleges across the country.

Sea Grant began with the National Sea Grant Colleges and Programs Act of 1966. For two and one-half decades since, Sea Grant programs such as the one at the University of Hawaii, have led the way in research, education, and training in the fields of marine science, ocean engineering, aquaculture, ocean management, and ocean resource development.

Ten years ago, however, Sea Grant's mission became tremendously more difficult. The eighties were marked by a drastic decline in funding. What should have been a decade of unmatched growth for Sea Grant colleges, became a continuous struggle for survival. Despite the budgetary hardships however, the Sea Grant Program persevered.

Only now has the National Sea Grant Program begun to approach the funding levels it had in 1981. With the funding proposals for the next 5 years contained in H.R. 1370, Sea Grant programs may finally be back on track. Left to stand, the administration's budget proposal would once again undo the current progress and growth that has been gained.

I strongly endorse full funding for the National Sea Grant College Program at a level of $46 million, and $2.5 million for the Office and administration of the program, bringing the total to $48.5 million for fiscal year 1992.

With the promising research, education, and development of ocean sciences that Sea Grant has provided, combined with our better understanding of how to responsibly preserve and manage our ocean resources, these funds represent a sound investment in our environment and our future.

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

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Michigan [Mr. HERTEL] that the House suspend the rules and pass the bill, H.R. 1370, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HERTEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1370, the bill just passed.

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

There was no objection.

INDIAN TRIBAL AUTHORITY

Mr. MILLER of California. Mr. Speaker, I move that the House suspend the rules and pass the bill (H.R. 972 to make permanent the legislative reinstatement, following the decision of *Duro* v. *Reina* (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians.

The Clerk read as follows:

H.R. 972

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

SECTION 1. CRIMINAL JURISDICTION OVER INDIANS.

Section 8077 of Public Law 101-511 (104 Stat. 1892) is amended by striking out subsection (d).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 972, the bill now under consideration.

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

There was no objection.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 972 fills a jurisdictional void created by the 1990 Supreme Court case of Duro versus Reina. In that case, a California Mission Indian was charged with a crime on the Salt River Pima-Maricopa Reservation in Arizona. The mission Indian, Albert Duro, obtained a writ of habeas corpus and ultimately ended up in the U.S. Supreme Court which ruled that the Salt River tribal court did not have jurisdiction over him since he was a member of another tribe. The Supreme Court was saying that Salt River and other tribal courts were limited to their membership when it came to misdemeanor jurisdiction. Prior to the Duro case, tribal courts had always been the recognized forum for all Indians on the reservation when it came to criminal misdemeanors without regard to membership.

A gap in the jurisdictional scheme suddenly became apparent since many reservations have large populations of nonmember Indians. No provision in Federal or State law covered nonmember Indians and many tribes were facing chaos and a crisis in public safety. No other courts were equipped to or had the legal authority to handle these nonmember Indians.

Congress responded by adding language to the Defense Appropriations Act of 1990 recognizing the inherent right of tribes to retain jurisdiction over all Indians. H.R. 972 makes this recognition permanent.

Tribal jurisdiction over all Indians on the reservation, regardless of tribal affiliation, has been the law for over 200 years. The committee hearing and the committee report reflect the historical precedents for this jurisdiction.

There are many reasons to support this bill. First, it only affects Indians and virtually all tribes support it. That means tribes want the jurisdiction but also support letting other tribes have jurisdiction over their people. Second, the administration supports it. Third, the Civil Rights Commission supports it. Fourth, the State legislatures of South Dakota, North Dakota, Arizona and Montana have all passed resolutions supporting it as has the New Mexico House of Representatives. Fifth, the International Association of Police Chiefs supports it. Finally, it saves the Federal Government approximately $10 million per year. If this bill does not go through, the Federal Government will have to fill the jurisdictional gap with courts established under the Code of Federal Regulations. The Congressional Budget Office estimates that it would cost about $10 million per year to run these courts.

One final comment, this bill recognizes an inherent tribal right which always existed. It is not a delegation of authority but an affirmation that tribes retain all rights not expressly taken away. Since Congress never took this jurisdiction away, we assert that the jurisdiction exists and must be recognized for the safety of these tribes.

I urge my colleagues to support this bill.

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

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

Mr. Speaker, I rise in support of H.R. 972, a bill that would recognize and affirm the power of Indian tribes to exercise misdemeanor criminal jurisdiction over all Indians in Indian country. The effect of this bill is to overturn Duro versus Reina, a ruling of the U.S. Supreme Court decided in May 1990.

At the outset, I would like to note that the administration strongly supports enactment of this bill. As the Congressional Budget Office points out, enactment of this bill would save about $10 million annually, and, as the Department of Justice more importantly recognizes, the administration of justice in Indian country would be better served by enactment of H.R. 972.

Until last year, the inherent authority of Indian tribes to exercise criminal misdemeanor jurisdiction over all Indians went unquestioned. In a ruling based not on constitutional grounds, but on principles of Federal common law, the U.S. Supreme Court in Duro held that the inherent sovereignty of an Indian tribe does not extend to criminal jurisdiction over persons who are not members of the tribe.

This case, if allowed to remain in tact, has several deleterious effects in Indian country. First, and perhaps most importantly, the decision creates a jursidictional void in that misdemeanor crimes by Indians against Indians could not be prosecuted by any jurisdiction—the United States is precluded by statute—18 U.S.C. 1152—from asserting jurisdiction, and States cannot exercise such jurisdiction without an express grant from Congress. This is a real, practical problem since large populations of non-member Indians reside on many reservations, either due to intermarriage or employment.

Second, although the United States can prosecute misdemeanor crimes—18 U.S.C. 13, the Assimilative Crimes Act—committed by Indians that are victimless in nature, or are perpetrated against the person or property of non-Indians, such cases are not easily or efficiently prosecuted in Federal district court. For the most part, defendants, witnesses, victims, and law enforcement officers are located on remote reservations and it is both difficult and inordinately expensive to transport these persons to the Federal district courts for arraignments, trials, and sentencing proceedings. Clearly, the administration of justice for minor crimes is better served if the prosecutions occur in local forums in close proximity to where the offenses are committed.

I would like to note for the record that the Arizona State legislature has adopted a resolution urging Congress to enact H.R. 972. This is noteworthy in that Arizona has a significant Indian population and several large Indian reservations.

In the committee's hearing on this bill, two areas of concern were expressed. Some witnesses expressed concern about the adequacy and sophistication of tribal court forums, and other witnesses expressed concern about the unenforceability of the Indian Civil Rights Act. After weighing all of the testimony it was my belief that H.R. 972 was meritorious enough to stand alone, and that the concerns expressed above would be resolved more effectively in separate legislative vehicles.

While some problems exist in some tribal courts, the testimony of the Justice Department reflected general confidence in the overall capacity of tribal courts to handle criminal misdemeanor cases. However, I hope to work with the chairman of the committee in the upcoming months to develop a bill that would propose measures to enhance tribal court systems in Indian country.

In addition, I believe there is some merit to exploring the need for an amendment to the Indian Civil Rights Act that would provide Federal court enforcement authority beyond simple habeas corpus relief. I would hope that my colleagues on the committee, the administration, and tribal leaders will engage in a meaningful discussion on this issue at the appropriate time.

For all of these reasons, I urge my colleagues to support passage of H.R. 972 without amendment.

□ 1330

Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, I appreciate the gentleman's yielding time to me, and I would like to engage the chairman of the Committee on Interior and Insular Affairs in a brief colloquy. It is my understanding that this legislation is intended to overturn the Supreme Court's decision in Duro versus Reina and reaffirm the jurisdiction of Indian tribes over nonmember Indian misdemeanor crime. Is that understanding correct?

Mr. MILLER of California. If the gentleman will yield, yes. Since States generally do not have jurisdiction over misdemeanor crimes committed on tribal lands by Indians who are not members of that tribe, the Duro decision has created a jurisdictional void with respect to nonmember Indians. The bill would reaffirm the tribes' jurisdiction over misdemeanor crime by nonmember Indians.

Mr. KYL. Does the legislation affect the tribes' jurisdiction over non-Indians?

Mr. MILLER of California. No, it does not.

Mr. KYL. Is this legislation a precursor to overturning the Oliphant decision in which the Supreme Court precluded tribal court jurisdiction over non-Indians?

Mr. MILLER of California. This legislation is in no way meant to change the criminal misdemeanor jurisdiction of tribes over non-Indians.

Mr. KYL. Based on that understanding, Mr. Speaker, I wish to express my support of the bill.

Mr. MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. ECKART].

Mr. ECKART. Mr. Speaker, I thank my colleague, the chairman of the Committee on the Interior for allowing me to rise in support of legislation previously passed by the House concerning the reauthorization of the National Sea Grant College Program.

Very briefly, in my County of Lake and indeed my State of Ohio State University, we have distinguished ourselves in support of this program. I am happy to report Ohio support for the Sea Grant College Program.

Mr. Speaker, today I rise in strong support for the reauthorization of the National Sea Grant College Program.

Recently, a meeting was held here in Washington for members of advisory committees from individual State Sea Grant Programs, with the purpose to form a National Sea Grant Advisory Committee. My State has one of the best and most active Sea Grant Advisory Committees in the country.

Mr. Speaker, I am proud and happy to report that as a result of this meeting, Ohio's program will be the model upon which a National Sea Grant Advisory Committee will be established.

The Sea Grant Program in Ohio has grown tremendously since its inception in 1977, and based on the many successes and major accomplishments on Lake Erie, the Ohio State University was designated a Sea Grant College in 1988. We have three outstanding committees in Ohio—one in northwest, one in north central Ohio, and one in northeast Ohio.

Our State program is especially strong in that the committees not only advise, but actually help implement ideas, with the assistance of district specialists. Some of the Ohio accomplishments in the area of economic development include a State Legislature Day, the construction of artificial reefs, an outdoor writers fishing invitational, a Northeast Ohio Salmon Fishing invitational to showcase excellent salmon fisheries in Ashtabula and Lake County—the list of accomplishments seem endless.

I particularly want to comment Dr. Jeffrey Reutter, the director of the Ohio Sea Grant College Program and Frank Lichtkoppler, who works with Sea Grant in Lake County, as well as the Northeast Ohio Sea Grant Advisory Committee for having taken the initiative to implement a truly workable and community enhancing program.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON] who has been the original sponsor of this legislation, and very involved in getting this before the full Committee on Interior and Insular Affairs, and for getting it to the floor today. We appreciate very much all of the work and effort he has put into this piece of legislation.

Mr. RICHARDSON. Mr. Speaker, first of all to the gentleman from California [Mr. MILLER] and the gentleman from Arizona [Mr. RHODES] thanks for bringing this important legislation to the floor with such speed. Let me also add my congratulations to the new chairman of the Committee on Interior for his ardent interest in native American issues that is exemplified by one of the major bills coming out of this committee, being this one. Again thanks to the gentleman from Arizona [Mr. RHODES] for his usual decency and comprehensiveness in caring about Indian people.

Mr. Speaker, H.R. 972, legislation which I have authored, reaffirms Indian tribes' criminal misdemeanor jurisdiction over nonmember Indians, and is critical to the health, safety, and well being of American Indians.

As a result of last year's Supreme Court decision in the case of Duro versus Reina, tribal courts no longer have jurisdiction over misdemeanor crimes committed on tribal lands by Indians who are not members of that tribe.

Because the States generally do not exercise jurisdiction over Indian tribes, and since the Federal Government has jurisdiction only over major crimes, a very dangerous jurisdictional void has been created.

In the Third District of New Mexico alone there are Navajo, Apache, Ute, and Hopi Indians, as well as 19 different Indian pueblos, all culturally and geographically very close to one another. Indian governors and leaders have informed me that thousands of their people reside on, work at, or visit other tribal reservations every day. Many nonmembers own property on other reservations, and their children often attend schools there.

Imagine the difficulties tribal law enforcement faces in trying to maintain law and order on tribal lands without jurisdiction over the most common crimes committed there, including drunk driving, drunk and disorderly conduct, assault, and petty larceny. In short, the Supreme Court gave nonmember Indians a license for crime.

At the end of the last session, Congress took action to correct the misguided Duro decision by passing legislation that reaffirmed the jurisdiction of Indian tribes over nonmember, misdemeanor crime. However, the legislation included a 1 year sunset provision, ending September 30, 1991.

Last month, the Interior Committee heard testimony from numerous Indian leaders about the implications of failing to eliminate the deadline. They testified that the problems created by the Duro decision are real and they are dangerous. Their testimony was affirmed by the Department of the Interior and the Justice Department, both

of which support eliminating the September 30, 1991, deadline.

According to the Congressional Budget Office, H.R. 972 would result in no direct costs to the United States, and the enactment of this legislation could save the U.S. Government up to $10 million annually, and may result in savings to State and local governments.

Mr. Speaker, Indian leaders across the country support this legislation, the administration supports this legislation, and the minority supports this legislation. I urge my colleagues to vote "yes" on H.R. 972.

Mr. Speaker, at this point I will insert a letter for the RECORD to Mr. MILLER of California from Robert Reischauer of the Congressional Budget Office suggesting $10 million would be saved by passage of this bill. The letter is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 1, 1991.

Hon. GEORGE MILLER,
Vice Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 972, a bill to make permanent the legislative reinstatement, following the decision of Duro against Reina, of the power of Indian tribes to exercise criminal jurisdiction over Indians, as ordered reported by the House Committee on Interior and Insular Affairs on April 24, 1991. CBO estimates this bill would result in savings to the federal government of less than $10 million annually. These savings would be from appropriated accounts and would not affect pay-as-you-go scoring under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985. This bill would result in no cost to state or local governments, and may result in some savings to these governments.

In the case of Duro v. Reina, the United States Supreme Court held that an Indian tribal court does not have jurisdiction over Indians that are not members, of that specific court's tribe. Public Law 101-511, enacted last year, "recognized and affirmed" the power of Indian tribes to "exercise criminal jurisdiction over all Indians," but specified that this reinstatement language would have no effect after September 30, 1991 in regard to criminal misdemeanors. H.R. 972 would make permanent the legislative reinstatement due to expire on September 30, 1991.

If the authority of Indian tribal courts over non-member Indians accused of criminal misdemeanors were to expire on September 30, 1991, Indian tribal courts would not have jurisdiction over a number of criminal actions that currently make up a portion of their caseload. Since the Duro decision did not indicate what body would assume jurisdiction over these criminal misdemeanor cases, it is not clear how these cases would be adjudicated under current law.

It is possible that the federal government would set up a parallel system to the tribal courts to handle the "post-Duro" cases. If so, the Bureau of Indian Affairs would need to establish part-time Courts of Indian Offenses to parallel the 148 tribal courts currently operating in the United States. (There are currently 21 such courts, called "CFR Courts", operating part-time in areas where tribes have opted not to take responsibility for administering courts). These courts could cost about $10 million annually. It is unlikely, however, that an effort of this proportion would be undertaken. Instead, a variety of more limited options would likely be pursued. For example, a limited number of Courts of Indian Offenses may be established, tribes may opt to appoint Court of Indian Offenses judges to work with the tribal courts to handle those cases that do not fall within tribal jurisdiction, or tribes may enter into contracts with the government to retain the authority over these cases. Each of these scenarios would result in costs to the government of less than $10 million annually. H.R. 972 would relieve the federal government of these responsibilities, and thus would save these costs.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Patricia Conroy, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

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

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H.R. 972.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1340

PROVIDING FOR CONSIDERATION OF H.R. 1415, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

Ms. SLAUGHTER of New York. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 147 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 147

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1415) to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, by parts of titles instead of sections, and all points of order against said substitute are hereby waived. It shall be in order to consider en bloc amendments offered by Representative Berman of California, said amendments en bloc shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and may amend portions of said substitute not yet considered for amendment. It shall be in order to consider en bloc the amendments printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Snowe of Maine or her designee, said amendments en bloc shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and may amend portions of said substitute not yet considered for amendment. At the conclusion of the bill for amendment, the Committee shall rise and report the bill to the House, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

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

Mr. Speaker, House Resolution 147 is the rule providing for the consideration of H.R. 1415, the Foreign Relations Authorization Act for fiscal years 1992 and 1993.

This is an open rule providing for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs.

The rule makes in order the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill as an original bill for the purpose of amendment under the 5-minute rule. The substitute will be considered for amendment by parts of titles, instead of sections. All points of order against the substitutes are waived.

The rule makes in order en bloc amendments by Representative BERMAN which will cure the technical rules violations necessitating the waiver. These amendments are in order although they change portions of the substitute not yet considered for amendment and are not subject to a demand for a division of the question in the House or in the Committee of the Whole.

The rule further makes it in order to consider en bloc amendments printed

in the report accompanying this rule to be offered by Representative SNOWE or her designee. These amendments provide an opportunity for the House to consider an alternative approach to the construction of the new Embassy building in Moscow. These en bloc amendments may amend portions of the substitute not yet considered for amendment and are not subject to a demand for a division of the question.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 1415 authorizes $5.49 billion in fiscal year 1992 for the operations of the Department of State, the U.S. Information Agency, the Board of International Broadcasting, and related agencies, and $4.54 billion in fiscal year 1993 for the Department of State. The committee bill is similar to the President's request except that it increases migration and refugee assistance by $110 million, which will be offset by reductions in the foreign assistance accounts in a separate bill.

Mr. Speaker, this open rule, reported unanimously by the Rules Committee, will allow full and fair debate on the provisions of this important bill. I ask my colleagues to support the rule so that we may proceed with consideration of the merits of this legislation.

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

Mr. Speaker, I am pleased to join with the gentlewoman from New York in urging Members to support this rule.

We have before us an open rule that fully protects the right of the minority to offer a motion to recommit, with or without instructions.

The Foreign Affairs Committee is to be commended for requesting an open rule, as is the Rules Committee for writing one.

I also want to take this opportunity, Mr. Speaker, to congratulate our good friend from California, Mr. BERMAN, on his becoming chairman of the Subcommittee on International Operations. H.R. 1415 is the first bill he is bringing to the floor in his new capacity as chairman.

I also want to thank the ranking Republican, our good friend from Maine, Ms. SNOWE, for her continuing leadership on the subcommittee.

I would note that the rule makes in order an amendment en bloc by the gentlewoman from Maine concerning the new U.S. Embassy in Moscow. This is an issue to which she has devoted a considerable amount of attention over the past 5 years.

Mr. Speaker, I would note further that the rule waives points of order against H.R. 1415. I am informed that section 116 in the bill authorizes the transfer of up to $100 million in past-year unobligated funds for use in offsetting fluctuations in the exchange rate. Even though no new funds are involved, this section can be interpreted as being in technical violation of the Budget Act.

However, I am informed further that the gentleman from California [Mr. BERMAN] intends to offer an amendment as part of his en bloc package that will delete section 116, which means the bill before us will no longer be in violation of the Budget Act.

I am also told that his en bloc amendment will include a deletion of section 144, which relates to retirement benefits for State Department employees. This provision can be interpreted, technically, as creating a new entitlement program.

And so with these two sections being deleted, we will have a clean bill which does not violate the Budget Act.

Mr. Speaker, H.R. 1415 is an important bill because it authorizes the programs and functions of those agencies of Government that bear the responsibility for the conduct of U.S. foreign policy.

The events of the past year have served to remind us all that we still live in a dangerous world. It is absolutely essential that U.S. personnel—at home and abroad—who formulate our foreign policy and who explain it and implement it, be given the tools and training they need to carry on with the job.

U.S. foreign policy seeks to build an open world with a free flow of ideas. And so it is appropriate for us today to consider this bill under an open rule. And I urge all Members to support the rule.

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

Ms. SLAUGHTER of New York. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I appreciate very much the gentlewoman yielding me this time, as well as the cooperation of the Rules Committee in helping to fashion a rule, which as both the gentlewoman from New York [Ms. SLAUGHTER] and the gentleman from New York [Mr. SOLOMON] have mentioned, provides the kind of open rule that will give an opportunity to debate each and every aspect of this legislation, but limits the amendments in sequential order to the parts of the bill so that we can have some closure on some of these critical issues.

There are no time limits on any specific amendment or on overall debate on amendments to this bill.

I simply want to use this opportunity in urging support by this body for the adoption of this rule to mention that the Foreign Affairs Committee in crafting this bill kept in mind both the Budget Enforcement Act caps on the international operations function and the request of the administration, and with one exception every single add-on contained in this bill that this body will be considering later today and tomorrow, every single add-on is met by an offsetting subtraction from some other function or account in this legislation; so that the bill as proposed by the administration and as passed by the Foreign Affairs Committee complied with the House budget resolution and with the budget enforcement cap on international affairs.

□ 1350

One exception is in the area of refugee and migrant funding, migration funding, where we need a significant augmentation of about $110 million, based on the explosion of need in the world we are living in today.

Refugee problems in Africa, Soviet Jews migrating to Israel, continued problems of Southeast Asia, the Kurdish refugee problem, all of these I think simply scream out for this Congress rethinking the initial proposal on this question.

The one exception will be offset by cuts in the foreign aid bill, which is also part of the 150 account, so that this bill will be perfectly in balance, perfectly in compliance with the Budget Enforcement Act, with the House-passed budget resolution and, even though the authorizing committees are not under any obligation to do so, I think it demonstrates the kind of fiscal restraint and adherence to the agreements made last fall that should be supported by the body.

In closing, I urge adoption of the rule.

Ms. SLAUGHTER of New York. Mr. Speaker, for purposes of debate only, I yield 8 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. I thank the gentlewoman from New York for yielding to me.

Mr. Speaker, I am sorry I must attend a funeral in Iowa tomorrow when it is most likely that the vote will occur concerning the U.S. office building in Moscow. I have inspected that building and site several times in the past 10 years and agree with those who say that, especially since the fire in the existing office building, there needs to be a resolution of this problem so that the various agencies and departments of our Government who will have employees in Moscow and Eastern Europe will have a safe, secure, and decent place to work.

President Reagan asked James M. Schlesinger—former Defense Secretary, CIA Director, Energy Secretary, Chairman of the U.S. Atomic Energy Commission—with the help of a blue ribbon committee to investigate the facts and make a recommendation. Certainly no one was in a better position to analyze the facts with a perspective to the duties of the various agencies than he was. He and his Commission recommended that the devices be removed from the compromised building and that it be used for

nonsecure purposes but that additional space be provided for the agencies needing secure facilities. One way to do that would be with an annex. Another way to do it would be with the so-called Top Hat design. The Top Hat design is well within the type of recommendation he made.

Unfortunately some people made dogmatic statements favoring tearing the new building down to the foundation and building up from there again before they had any idea it would cost an additional $65 to $100 million, before they knew whether the objective could be obtained in another manner, and before they knew what the adverse impact would be on needs of the Department and other agencies. I fear some now are reluctant to change because they do not want to admit they were wrong. However, even for those who made these dogmatic statements before knowing all the facts, it would not be inconsistent to change their mind because the situation has changed considerably since that time.

It was never intended that the bottom five floors of that building be used for classified purposes anyway and there is no way to be sure that office space not used for sensitive purposes will not be compromised. People who operate out of those offices on the first five floors for the Consular Service, Commerce Department, various attachés and others do not assume that they are operating under conditions where complete security would be possible even if they needed to. Tearing down five floors of nonsecure space in order to rebuild it would cost $100 million and accomplish no purpose.

The proposal of tearing down to the ground level and placing a shield over the foundation and the area below the ground level would leave intact the area most likely to permit a compromise in the future. The tear-down to ground level does not assure any greater security in top level floors than tearing off two floors, installing the shield, leaving one story essentially empty and building four floors on top.

Now I can understand those who say, "Don't even use that building at all for secure purposes; go build a new building where the Change Building is located on the campground." I can understand that. In fact, I can support that. I have said so all along, but that is not the proposal.

Due to the fire in the old existing building a few weeks ago, it was necessary for personnel to move out of the top floors of that building and occupy space next to the new office building. It would be simply intolerable both from a safety standpoint and from other standpoints for them to try to work in an area where a major destruction project was taking place on the other side of the wall. There is no other place for them to work on these kinds of activities in Moscow. Therefore, tearing down the bottom five floors would simply close down such operations in Moscow until that part of the job had been completed—which would probably be at least a year—during the most crucial time in our relationship with the Soviet Union. That is the reason that Ambassador Matlock stated flatly that since the fire, a complete tear-down is not even a viable option.

Moscow is not the only place that the State Department needs buildings. Spending an extra $100 million to tear down and replace nonsecure space would not only serve no purpose, but also would result in taking money we need for construction and facilities in Eastern Europe, Africa, Asia, and South America. There is a demand for facilities in each one of the countries of the European continent which claim a measure of independence and to deplete the building and construction account for the tear-down option and not have money for facilities in Eastern Europe, the Balkans, the Baltic States, Africa, and other places would be harmful to our interest and the interest of those emerging countries.

Some have said that the entire new building should be made secure so it can all be occupied for secure purposes some 50 years from now and they use that as an excuse for tearing down the lower five floors and rebuilding it. The fact is that we need more nonsecure space than secure space in Moscow; and the needs for nonsecure space to accommodate trade, exchanges, and other such programs is increasing faster than the need for secure space. If that entire new building were used for secure purposes in the future, it would mean we would have to build new buildings for nonclassified work. I do not think we should plan to build that amount of space in Moscow ever; but in the event it were necessary and appropriate to have that much space 50 years from now as the opponents suggest, it would be better to build a new secure building from the ground up at that time than to try to secure the rest of this building for that period and then build new buildings for the nonsecure space. If the intelligence community and those needing secure space need that much secure space 50 years from now, they should have it specifically authorized by the appropriate committees and funded for them instead of asking the State Department to finance it according to their specifications out of money the State Department needs for agencies promoting exports cooperating on building research projects, exchanges, the Consular Service, and other diplomatic activities.

We have never built a building like this under such expansive and adverse conditions exclusively with U.S. employees, under guard night and day, with all U.S. materials guarded at all times after being unloaded in Moscow, and in such an adverse climate. Tearing down an additional five floors of office space which is to be used for nonsensitive purposes anyway and rebuilding it under these conditions would be a waste of money which we need for buildings elsewhere; and would also delay the time when our employees working on arms verification, export promotion, consular service, and other services responding to changes in Eastern Europe will be able to occupy badly needed facilities. Secretary of State Baker and CIA Director Webster have joined in an open letter requesting that this "Top Hat" design be approved and financed without delay and have stressed the urgency with going forward with this plan which will provide the secure space necessary both at far less cost and in less time than any other alternative that has been suggested.

There are only three options: Do nothing; do the Top Hat design, which the administration wants; or tear down the Change Building, which is going to be done anyway, and build a whole new building. Now, if you build a whole new building, that is going to take 2 years longer to build than the administration's Top Hat design. That is the reason the administration has not recommended a new building on the Change Building site.

I urge you to vote with the majority on the Foreign Affairs Committee and with the administration on this matter in favor of the authorization for the Top Hat proposal.

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

I do so just to point out that, as the gentleman in the well just pointed out, the fire that took place back on March 28, in our temporary Embassy quarters in Moscow was of a rather suspicious nature. And the firefighters who came in there turned out to be what we think were KGB agents. Only they did not help in putting the fire out; instead they collected documents, secret materials from our safes, they sabotaged secure telephones and communications equipment, and even walked out with the briefcase, or tried to walk out with the briefcase, of the deputy chief of mission, John Joyce. It is unclear whether the Soviet Government was involved in that act of arson, but what is clear is that the Kremlin is certainly benefiting from this entire thing.

I am the last person in the world to ever ask for a report and to try to micromanage foreign policy, but I am going to be offering an amendment to this bill which will ask the Secretary of State to prepare and submit a report to Congress on the extent of United States assets compromised by that Soviet KGB effort in the Embassy fire in March of 1991.

□ 1400

Mr. Speaker, the report will include an accounting of the Embassy's politi-

cal, military, communications, and intelligence capabilities. I think we need to know just how much the Soviet Union was involved in that fire and what kind of information the Soviet Union gained.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

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

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for pointing that out because he just indicated an additional reason why the State Department cannot occupy the old building again. They do not know for sure whether or not the building was compromised when the Soviet firefighters were admitted during the recent fire. Therefore, they have to use the area they have moved into next to the new office building. They cannot go back to the old building because of security considerations.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Iowa [Mr. SMITH] for his comment.

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

Ms. SLAUGHTER of New York. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NIOBRARA SCENIC RIVER DESIGNATION ACT OF 1991

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 148 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 148

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 248) to amend the Wild and Scenic Rivers Act to designate certain segments of the Niobrara River in Nebraska and a segment of the Missouri River in Nebraska and South Dakota as components of the wild and scenic rivers system, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be considered for amendment under the five-minute rule, and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 148 is an open rule which provides for the consideration of S. 248, the Niobrara Scenic River Designation Act of 1991. S. 248 seeks to amend the Wild and Scenic Rivers Act to designate certain segments of the Niobrara River in Nebraska and a segment of the Missouri River in Nebraska and South Dakota as components of the wild and scenic rivers system.

House Resolution 148 provides for 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Interior and Insular Affairs. After general debate has expired, the bill is subject to amendment under the 5 minute rule.

The rule also provides for one motion to recommit.

Mr. Speaker, S. 248 is similar to a bill which passed the House last June. The current bill designates two segments of the Niobrara River as scenic and designates as recreational another segment of the Niobrara River and a segment of the Missouri River. S. 248 also establishes an 11-member advisory commission to advise the Secretary of Interior on the development of a general management and operation plan. The Secretary is also directed to conduct a study on the feasibility of designating certain lands adjacent to the rivers as national recreational areas.

Mr. Speaker, House Resolution 148 is an open rule which allows for full debate of the issues surrounding this legislation and I encourage its adoption.

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

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

Mr. Speaker, the gentleman from Tennessee [Mr. GORDON] has described the rule. As he has stated, it is a completely open rule with no waivers, and I support it.

Mr. Speaker, I do not, however, support the provisions of the bill made in order under this rule. This legislation would circumvent current law by immediately designating a 70-mile stretch of the Niobrara River as component of the National Wild and Scenic Rivers System. This would be without the benefit of an in-depth study as provided by the Wild and Scenic Rivers Act. None of the 108 rivers have been added to the system in the past without a formal study.

The bill is strongly opposed by the Member who represents the area most directly affected. According to the testimony in the Rules Committee by the gentleman from Nebraska [Mr. BARRETT], most of the area affected by this bill is within his congressional district. He pointed out at our committee meeting that 78 percent of Nebraskans polled last June oppose any Federal involvement in this issue.

Mr. Speaker, this causes me great concern. The House is proposing to take action which is strongly opposed by the citizens who live in the affected area. They are the ones most directly impacted by our action. Outsiders should not come in and impose their will on the people who live in the area affected unless there is some very strong reason.

In this case, what the gentleman from Nebraska is proposing is an amendment to provide for a study of the change, before we go ahead and make it. This certainly seems to me to be a reasonable approach. In other similar situations, we have taken time for a study of the consequences before we act.

Mr. Speaker, the gentleman from Alaska [Mr. YOUNG] also has an amendment that would place a limit on the condemnation of land along the river. His amendment would protect landowners from unwarranted Federal seizure of their land, while allowing the Interior Department to use condemnation procedures if substantial changes threaten the river and its resources. I support his amendment.

The administration is also opposed to this bill. The policy statement notes that a study is especially important in this case because the lands along the banks of the river segments affected by the bill are largely in private ownership. The policy statement also points out that S. 248 would require secretarial administration of the Missouri River segment to be in consultation with a recreational river advisory group established by the bill. This consultation requirement duplicates national park system procedures and is unneeded. The policy statement concludes that unless this bill is amended to provide for a study as specified in the Barrett amendment and the advisory group provision is deleted, the Secretary of the Interior would recommend that the President veto the bill.

Mr. Speaker, the Rules Committee has provided an open rule for this bill which will permit the gentleman from Nebraska [Mr. BARRETT] and the gentleman from Alaska [Mr. YOUNG] to offer their amendments. I strongly support this open rule so that the House can make the necessary improvements to the bill. I urge its adoption.

Mr. Speaker, I advise the gentleman from Tennessee [Mr. GORDON] that I have one request for time and, Mr.

Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding this time to me.

Mr. Speaker, back when I was a kid, we used to have movies that we went to called "Frankenstein," and we would come out and believe that the monster was dead at the end of the movie, only to find out a couple of years later that they would bring out "Bride of Frankenstein," and a couple of others, and more recently there have been movies out, starting with "Friday the 13th," and a series of sequels.

Mr. Speaker, when one walks out of those movies, they believe that Freddie Kreuger is dead. But in the sequels we find out that Freddie Kreuger comes back to life. I feel that way about the Niobrara River bill. It is one we think we kill each year, and each new year that comes upon us the Niobrara River bill comes back.

In fact, Mr. Speaker, what I found is part of script from an upcoming movie called Niobrara, The Sequel, The Monster That Would Not Die, and what I want to do during my time here for a moment is to quote from that script.

The town was calm. The night was sultry. Suddently the stillness was broken by the plantive cry of a young maiden: Eek! and the fear rushed back. The townspeople gathered on the street corners. "I thought we killed the monster last year," said one. Everyone thought so was the reply.

But down in the bowels of the Interior Committee the monster was revived. Niobrara is back. Lightning flashed. But didn't that daughter of the West, Virginia Smith, slay the monster before riding off into the sunset? Indeed we thought so. But now the monster stirs again.

What are we to do? Wild Bill Barrett will try to save us, but he'll need a posse at least as big as the one in last year's group.

A young girl spoke up and said, "Daddy, what is so bad about the monster?

"Well, daughter, it gobbles up land without compensation. It's horrifying. It's like being slimed."

□ 1410

Well, that is where this unfinished script ends, Mr. Speaker. All I can say is that if we adopt this rule, we will help the writers complete the sequel, and maybe if we defeat it this year, it will be the last of the sequels we will have before us.

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

Mr. WALKER. I yield to the gentleman from Nebraska.

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

Mr. Speaker, the distinguished gentleman has been an excellent neighbor in Rayburn, he is an excellent legislator, but he needs to work a little on his poetry yet.

Mr. WALKER. I understand the Hollywood writers on this are a bit of a problem, but I would say to the gentleman that some of us who voted against this last year are surprised to find it back again, and I thought Freddie Kreuger needed to have some recognition that Niobrara may, in fact, exceed his ability for sequel after sequel.

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

Mr. GORDON. Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 148 and rule XXIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the consideration of the Senate bill, S. 248.

□ 1411

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate bill (S. 248) to amend the Wild and Scenic Rivers Act to designate certain segments of the Niobrara River in Nebraska and a segment of the Missouri River in Nebraska and South Dakota as components of the wild and scenic rivers system, and for other purposes, with Mr. SABO in the chair.

The Clerk read the title of the Senate bill.

The CHAIRMAN. Pursuant to the rule, the Senate bill is considered as having been read the first time.

Under the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 30 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

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

Mr. Chairman, S. 248, which unanimously passed the Senate on April 17, 1991, designates three segments of the Niobrara River and one segment of the Missouri River as components of the National Wild and Scenic Rivers System. The bill also authorizes a study of a 6-mile segment of the Niobrara River in addition to a national recreation area study and a national park study of certain lands in the State of Nebraska.

While S. 248 is a comprehensive measure dealing with several important natural resource issues in the State of Nebraska, the controversy that has been generated with the legislation centers on the designation of 70 miles of the Niobrara River as a national scenic river. Strong public feeling and views, both pro and con, have been attendant with the proposal and the Interior Committee received considerable public input on this matter in hearings I chaired here in Washington, DC, and in Nebraska over the past year.

Niobrara legislation passed both the House and Senate in the last Congress. When the House considered this bill in June 1990, it voted 358 to 59 on a bipartisan basis for the bill as reported by the Committee on Interior and Insular Affairs. Unfortunately, final action of the legislation was delayed until the last day of session and the legislation by a narrow margin failed to gain the two-thirds vote necessary to pass the House a second time in literally the last hour of the 101st Congress.

The legislation before the House today is identical to the compromise proposal developed at the end of the last Congress. It has the support of Nebraska's two Senators and two of the three House Members from the State on a bipartisan basis. Governor Nelson of Nebraska has added his endorsement of the legislation. There is strong support in the State of Nebraska for designation of the Niobrara. A poll done by the State's largest newspaper, the only unbiased poll taken on this issue I might add, found 74 percent in favor of designation of the Niobrara as a scenic river. Local landowners initiated this legislation and the Senate sponsor, Senator EXON, put it in at their request. Major national conservation organizations, with a combined membership of nearly 8 million people support scenic designation of the Niobrara River.

This outpouring of support reflects just what a national treasure the Niobrara River is. The scenic and recreational designation of the river has been sought since the basic Wild and Scenic Rivers Act was written.

The 1982 nationwide rivers inventory, prepared by the National Park Service, found significant portions of the Niobrara River including those designated by S. 248 to contain outstandingly remarkable scenic, and cultural values. Several distinct ecosystems converge within the river valley and it provides important habitat for endangered bald eagles, whooping cranes, and sandhill cranes. Because of its ecological diversity and migratory habitat, the Niobrara River valley is noted as one of the biological crossroads of North America, the place where east meets west. The joining of Rocky Mountains and the Great Plains. It is a very special national resource. While enjoying its scenic and natural wonders, thousands of Nebraskans and others annually make use of the superb recreational values of the river, including its excellent canoeing.

Make no mistake, the Niobrara River is vulnerable to adverse development and degradation of its splendid resource values. Congress, in 1982, took the extraordinary step of killing the

Norden Dam project, which would have been an environmental disaster for the Niobrara River and a financial disaster for U.S. taxpayers. But many opponents of S. 248 still harbor notions of damming the river and flooding significant portions of the river valley. Apparently some bad ideas die hard.

The Nebraska Natural Resources Commission noted in their 1986 study of the Niobrara that State law is lacking in the basic governmental structure and direction to apply management tools toward the goal of river preservation. Further, none of the four affected counties having zoning and county officials have testified they see no need nor do they have any intention to develop zoning in their counties. Governor Nelson in his letter or endorsement of the Niobrara legislation noted that there is a bill on this matter before the Nebraska unicameral to make it easier for county boards to use zoning to protect rivers or streams with special values. However, the bill faces an uncertain future and the Governor cautioned that even if enacted it should be viewed as a supplement to and not a substitute for the carefully designed Federal legislation proposed. In the absence of effective long-term management the Niobrara remains vulnerable. In 1982, Congress had to act once on an emergency basis and mustered the votes to stop the destruction of this river. How many times will we be challenged before action is lacking and the issue falls between the cracks and this pristine resource is lost forever?

The heart of this matter boils down to two choices: First, do we designate the Niobrara River or second, should we direct yet more study. Contrary to the assertion of opponents, a formal wild and scenic river study is not a prerequisite for designation. In all the testimony presented no one has said that the Niobrara is not a significant riverine resource. On the contrary, all parties have extolled its natural, recreational, and scenic qualities, the very qualities for which we designate components of the wild and scenic rivers system. Another study cannot add to that simple fact. I thought it was telling that when certain key opponents were asked if another study recommended designation whether they would then support such action they said no. With such a position a study will not be used to enlighten, rather it appears that for opponents of designation its purpose is to delay and defeat. No one is suggesting that national designation overrun the local community. The Wild and Scenic Rivers Act goes to great lengths to preserve and enhance the river in a nonconfrontational manner and the legislation before the House is reflective of local concerns.

Proponents have been accused of moving too fast on designation. Nothing could be farther from the truth. Many have been waiting fully 25 years since the Niobrara was first proposed. Local landowners who initiated legislation have been waiting a decade and formal legislation to designate the Niobrara has been before the Congress since 1985. The time has come to make a decision and I believe that decision should be scenic river designation for the Niobrara today.

It is unfortunate that controversy on 70 miles of the Niobrara has overshadowed the other valuable components of S. 248. This legislation is a significant natural resource initiative that is responsive to the local as well as the national interest in these matters. It represents the work of many at the local, State and national levels who care about the nationally significant resources found in the State of Nebraska.

I want to note the work of my colleague on the committee, PETER HOAGLAND, who has been a tireless advocate of sound natural resource policy on this and other matters. He has demonstrated a willingness to take on tough resource issues and see them through. I would also note that this bill reflects the hard work and efforts of Representative DOUG BEREUTER who is no stranger to this matter having warded off the Norden Dam water project, and finally, Senator J. EXON who is the principal architect of this river designation measure, representing all Nebraskans. He truly reflects the strong support to act and designate this magnificent river as a scenic and recreational resource for all Americans.

Mr. Chairman, I support S. 248 and urge its adoption by the House.

□ 1420

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

Mr. Chairman, I rise in strong opposition to S. 248, a bill to provide instant designation of 70 miles of the Niobrara River as wild and scenic and for other purposes. The rivers of this country are truly one of our most outstanding natural resources, and I generally look forward to participating in legislation to further protect them. But in this case, the bill before the House today represents a misguided decision at the local level and bad policy at the national level.

Quite simply, this measure reflects the will of its supporters to force a Federal designation upon local persons based on their mistaken belief that the Federal Government is the one true entity capable of protecting this country's heritage. What makes this bill even more outrageous is that the information necessary to ensure successful management of the river by the Federal Government is totally lacking.

I reject the notion that whenever a resource of national significance is identified, the Federal Government must be called in to protect or manage it. We have numerous outstanding examples of stewardship of our country's heritage by State and local governments as well as private institutions, such as Mount Vernon just down the road. Clearly we cannot afford to have the Federal Government take over management of all 62,000 miles of rivers on the nationwide river inventory or all 80,000 structures and objects identified on the National Register of Historic Places.

The mindset that the National Park System is the appropriate repository for an unlimited number of nationally significant resources is the biggest threat to the integrity of that system which we face today. This is the primary reason that Secretary Lujan has indicated his intent to seek a veto on this measure. The fact is that there is not adequate funding to take care of those units we already have in the National Park System.

Beyond simple economics, the local persons have taken good care of the river. According to the State director of natural resources, the river is in better condition today than it was 50 years ago. The river is also not threatened by any developments other than the one which, ironically, this wild and scenic river bill would permit.

Proponents of this measure have argued strongly for following a course never before traveled in the 22-year history of the Wild and Scenic Rivers Act. They advocate designation without the basic information to support their proposal. They have provided a recent literature search in an attempt to prove that the river has been adequately studied. But if we go beyond this mere listing of study titles, to examine study content, we find that none of these studies contain the basic information called for in the Wild and Scenic Rivers Act.

The Wild and Scenic Rivers Act is specific in terms of the information which should be available for congressional consideration at the time of designation. Section 4(A) of the act states that all river studies should include information on: Land ownership—including an analysis of the impact of designation on land use, land acquisition, costs for acquisition and administration, and how the management framework would be established. It is this last issue of Federal versus non-Federal control which has been especially controversial on the Niobrara River designation. As an example of the type of information needed to make an informed decision, consider the Allegheny River currently before our subcommittee. For that river, the Forest Service study reveals that they intend to acquire 500 acres in fee and scenic easements on 214 acres at a cost of $1.9 million. The Forest Service has also calculated future planning and man-

agement costs for the river. No such information exists for the Niobrara River.

Our committee has also had recent testimony by the American Rivers Group, a noted river conservation organization, in which they stated that normal river study procedures have proven inadequate with respect to rivers such as the Niobrara, where the lands are primarily privately owned. The more complete analysis advocated by such environmental groups would be conducted under the amendment to be offered by Mr. BARRETT.

I would like to make one further observation. Proponents of instant designation state that instant designation will resolve the concerns of local people who have been in limbo for 5 years, since designation was first introduced in Congress. I strongly disagree with that conclusion. In fact, it is much more likely that instant designation will heighten their concerns. The local people want to know what color they can paint their barn or whether they can build another structure on their land. Nothing in S. 248 addresses any of their concerns. Their concerns will only be addressed after a comprehensive management plan is developed and that will take years. On the nearby Missouri River, the National Park Service has yet to even start the plan some 13 years after designation.

In summary, Mr. Chairman, there is no threat to this resource, there is overwhelming regional opposition to this bill, and the Federal Government has inadequate funds to manage existing areas. For all these reasons the Secretary has indicated that he intends to recommend a veto and I encourage my colleagues to defeat this measure.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from South Dakota [Mr. JOHNSON], a member of the Committee on the Interior and Insular Affairs.

Mr. JOHNSON of South Dakota. Mr. Chairman, I am pleased to support S. 248 today, a bill to designate sections of the Niobrara and Missouri Rivers in northern Nebraska as scenic and recreational rivers.

The Niobrara River is a unique natural resource in the heart of America. According to experts, five distinct ecological systems come together in the valley, attracting a wide range of animals and plant life, including several endangered species. Arbor Day Magazine has said of the Niobrara River Valley, "Perhaps nowhere else on the Great Plains do eastern and western woodlands overlap so dramatically." Eagles winter on the Niobrara and many migrating waterfowl, like ducks, geese, and whooping cranes stop there during their migration. Canoers, campers, hikers, and anglers enjoy this precious national treasure every year. The river's rich fossil beds have paleontological and archeological significance as well.

Many studies have concluded that the river has scenic qualities. The Department of Interior has classified it as having "outstandingly remarkable values," in seven categories: Scenic, recreational, geological, fish, wildlife, historical, and cultural.

It is important to understand that the bill before us is a compromise and a product of local involvement. The bill originated in the mid-1980's when a group of local citizens asked Senator JAMES EXON to take action to protect this river. There have been numerous hearings and meetings with local people in the area. I am particularly pleased that the issue of land condemnation and Federal ownership has been dealt with in an aggressive manner.

□ 1430

The bill establishes an 11-member advisory commission to advise the Interior Department on operation and management of the 2 segments of the Niobrara designated as scenic rivers. Six of the commission members would represent local farmowners and ranchowners. Other members would represent State and county government among other things. Also, besides the built-in limitations on land acquisition which currently exist within the Wild and Scenic Rivers Act, is an additional limitation which places additional restrictions on land acquisition for the two sections of the Niobrara designated as scenic rivers.

Condemnation procedures may not be used to acquire title to more than 2 percent of the land or scenic easements of more than 5 percent.

The Niobrara bill is supported in bipartisan fashion by four of the five members of the Nebraska congressional delegation as well as Nebraska's Governor, Ben Nelson. It has passed overwhelmingly unanimously by a voice vote in the other body.

Midwesterners appreciate their natural resources. They are good stewards of the land and waters. Midwesterners have a great respect for landowners' rights to their lands. The bill before us is carefully crafted and balances the needs of local citizens and preservation. I believe this bill reflects the values of many Midwesterners. I will vote yes today to protect the Niobrara.

Mr. LAGOMARSINO. Mr. Chairman, I yield 3 minutes to the gentlman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I would first of all like to associate myself with the remarks of the gentleman from California. I think substantively he laid it all out there and we should heed his comments.

I rise to speak somewhat about process. I think the process is not being followed here. I do not have any feelings one way or another about the Niobrara scenic river designation, if process were followed, but it has not been in this case. And I do not know why we have the rules that we have if we are not going to follow them in designating scenic rivers.

It occurs to me that this House would have a difficult time, probably, in passing an omnibus scenic river bill or an omnibus wilderness bill. The fact of the matter is, we always single out one individual and then array all of the forces against that one individual. I have had it done to me. The gentleman from Nebraska [Mr. BARRETT] is having it done to him now as his predecessor, the gentlewoman from Nebraska, had done to her last year.

It has been stated that everybody from Nebraska is for this except the gentleman who represents the district in which the proposed designated river lies and 78 percent of the people who were polled by a reputable polling firm in his congressional district who say they do not like the process the way we are going about this.

Here once again is the heavy hand of the Federal Government—certain entities here in the Congress, under the auspices of the League of Conservation Voters and perhaps certain other so-called environmental groups, dictating the policy and disregarding the will and the wishes of the locally affected people.

This issue now, because of the contentious nature of it, has taken on national implications. We find it is not just the League of Conservation Voters now supporting this measure. We have got a lot of organizations opposing it. And it should be noted that the American Farm Bureau Federation, the National Cattlemens' Association, the Public Lands Council, the National Water Resource Association, the American Mining Congress, the National Grange, to name just a few, are now all in opposition to this bill.

I am glad they have taken note of it and that they have come to side with the gentleman from Nebraska [Mr. BARRETT]. I urge my colleagues to take a very close look at this issue and to please pay some heed, some attention, to the gentleman from Nebraska in whose district this proposed designation lies.

He has indicated a willingness to cooperate if we proceed according to process. And I think he should be listened to.

Mr. VENTO. Mr. Chairman, may I inquire the amount of time remaining on both sides?

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] has 20 minutes remaining, and the gentleman from California [Mr. LAGOMARSINO] has 20 minutes remaining.

Mr. VENTO. Mr. Chairman, I yield 9 minutes to the gentleman from Nebraska [Mr. HOAGLAND], the major

sponsor of this legislation in the House.

Mr. HOAGLAND. Mr. Chairman, we are here today to debate a bill that comes to us from the U.S. Senate. It is a bill to protect a beautiful natural treasure in my State of Nebraska. It came out of the Senate Committee on Energy and Natural Resources unanimously. It passed the full Senate on April 17 on a voice vote. It has bipartisan support in this body. It passed the House of Representatives last year. It represents a compromise that addresses local concerns. It should be a noncontroversial bill.

This bill has the support of a majority of Nebraskans across the State. It has the support of both Senators from Nebraska and Gov. Ben Nelson.

The main thrust of S. 248 is to protect 70 miles of the Niobrara River in north-central Nebraska as a scenic river. It also designates stretches of the Niobrara and Missouri Rivers as recreational rivers and authorizes a study of a Buffalo-Prairie National Park proposal.

SCENIC VALUES

The Niobrara River has been called by many the "biological crossroads of North America." Please look at this chart we have prepared. Along the riverbanks and canyon walls of the river valley, one can find approximately 160 plant species at their natural range limit. Jon Farrar in Arbor Day magazine said of the Niobrara River Valley, "Perhaps nowhere else on the Great Plains do eastern and western woodlands overlap so dramatically."

Indeed, if you canoe down the peaceful, spring-fed, meandering Niobrara through Nebraska's glorious sand hills, as I have done, you can see where ponderosa pines from the Black Hills make their deepest penetration across the grasslands along the northern canyon wall. Eastern deciduous forests of slippery elm, ash, linden, ironwood, American hazelnut, wild honesuckle and black walnut extend west across our arid Great Plains along the south canyon wall.

Various and numerous forms of animal life are found in the area, as described by Jon Farrar:

Standing on the floodplain you may hear eastern woodland birds like a scarlet tanager or American redstart calling from the hardwood forests on the south side of the river and western coniferous forest birds like the western tanager or western wood pewee calling from the ponderosa pines on the north side of the river. The range of several related eastern and western species, such as flickers, buntings, orioles and grosbeaks overlap, and here, along a short stretch of the Niobrara Valley, they hybridize. This mingling of similar species along the Niobrara is a natural experiment, where native organisms interact and evolve on the edges of their respective adaptive ranges.

In a report published in 1980 by Dr. A.T. Harrison of the University of Nebraska for the Nature Conservancy, Dr. Harrison states:

The most striking feature of the Niobrara Valley is the co-occurrance of five distinctly different major vegetation types all within one to two miles proximity of each other. There are few places in North America which have this kind of habitat and floristic diversity in such a small distance.

The Niobrara provides migratory stops for enormous midcontinent populations of ducks, geese, cranes, and shorebirds.

Several endangered species are found in the river valley including the whooping crane. Bald eagles winter here. The river provides nesting habitat for the endangered interior least tern and the federally threatened piping plover.

It is a uniquely diverse ecological area.

The Niobrara River also has unique historical, paleontological and archeological significance. William Clark wrote about it during the 1804 Lewis and Clark expedition. Marie Sandoz grew up along the Niobrara and describes it in her novels. In describing a stretch upriver from the proposed scenic designation, University of Nebraska paleontologist Mike Voorhies calls it the best bone hunter's river in the world:

Across Wyoming and the northwest corner of Nebraska, the Niobrara is a narrow channel twisting through High Plains grasslands, winding past University Hill at Agate Fossil Bed National Monument, exposing the bones of prehistoric camels, rhinoceros, "clawed" horses and Dinohyus, the "terrible pig" which at the shoulders was as tall as a man. These rich fossil beds are the only remaining evidence of a vast savannah, not unlike the African savannah of today, which covered the mid continent 20 million years ago.

Thousands of Nebraskans, indeed thousands of Americans, recognize the Niobrara River as a unique and beautiful natural treasure—Canoers, campers, hikers, and anglers alike flock to north-central Nebraska every year to enjoy the river.

According to Backpacker magazine, it is one of the 10 best canoeing rivers in the country. Outside magazine lists the Niobrara as one of eight nationwide special camping areas.

So you see, the Niobrara River is a special natural resource, one that needs to be preserved for Nebraskans, for Americans, and for future generations.

STUDY UNNECESSARY

Some are suggesting a study of the area before designating the river as a scenic river. It has been studied and studied—far more than it needs to be. As Justice Stewart wrote in a famous decision some years ago, "I know it when I see it." Thousands have seen the Niobrara and know it is worth saving.

Proposals to designate the Niobrara go back a quarter of a century to original conception of the Wild and Scenic Rivers Act.

When Senator Frank Church introduced in 1965 the first version of what later became the enabling legislation for all wild and scenic rivers, he included the Niobrara on the list of rivers with great potential.

A 1971 study by the State of Nebraska Soil and Water Conservation Commission concluded that the Niobrara had sufficient scenic, recreational, and environmental value to warrant study for designation as a protected river reach.

The 1982 Nationwide Rivers Inventory published by the National Park Service found the Niobrara to have "outstandingly remarkable values" based on seven categories: scenic, recreational, geological, fish, wildlife, historical, and cultural. The Niobrara is one of only a few rivers in the Midwest that are rated outstanding in all seven categories.

The Nebraska Natural Resources Commission published an extensive study in August 1986 entitled "The Niobrara River: A Proposal for Scenic River Designation," concluding:

* * * the momentum shifts back to the local residents and their elected representatives to select the most appropriate way to preserve and manage the special values of the Niobrara River.

Studies and recommendations made over the past 25 years have all found the Niobrara worthy of the recognition and protection this bill would afford. In testimony before the National Parks and Public Lands Subcommittee, the National Park Service acknowledged the scenic value of the river.

A formal study under the Wild and Scenic Rivers Act is not a prerequisite for designation. In fact, of the 122 rivers nationwide that are components of the national wild and scenic rivers system, over one third never underwent a study under section 4(a) or section 5(a) Wild and Scenic Rivers Act. In this case, we have plenty of other studies which have filled the need.

The majority of the people involved on both sides of this issue agree that the Niobrara is deserving of protection—which is exactly what a formal study would determine—the question is how to do it.

ORIGIN OF SCENIC DESIGNATION

A question frequently asked is: Where did this proposal come from?

Federal protection of the Niobrara River was first proposed by local landowners along the river who recognized the ecologically unique features of the river valley and its recreational popularity. The absence of county zoning in the area made it impossible for the supporters to develop a local control mechanism to protect the Niobrara.

As we learned at a field hearing conducted under Chairman VENTO's leadership in Ainsworth, NE, on March 16, 1990, the proposal was first developed by Franklin Egelhoff and two of his his

friends, including the late Loring Kuhre, in the winter and spring of 1980.

Minutes of a meeting of an organization called "Save the Niobrara River Association," formed in 1975, indicate that at a meeting conducted on May 7, 1980, reports were taken on efforts by several landowners in the valley to promote scenic river designation. The subject was later discussed on June 6, 1980, when the proponents decided to write their Members of Congress. Through the early 1980's, the proposal developed and matured. In numerous meetings, landowners up and down the valley were consulted and participated. This input is more than evident in the unique proposals in the original Exon/Hoagland legislation introduced last Congress.

The minutes also report that during the Easter recess in 1984, members of the association prevented the proposal to Senator J. JAMES EXON in Lincoln. This presentation was a culmination of years of thought and negotiation among landowners.

Subsequently, on September 30, 1985, Senator EXON introduced the scenic river bill in the U.S. Senate. In 1985 the National Park Service conducted informational meetings in Ainsworth, Bassett, and Valentine—towns near the designated stretch.

After introducing the bill, Senator EXON agreed to withdraw it pending a study by the Nebraska Natural Resources Commission. That study was published in August 1986.

In the course of the study, the commission held numerous meetings with the landowners to explain the proposal and ascertain local attitudes. The report stated:

> In order to better assess these local attitudes, a landowner opinion survey was conducted and a series of local meetings were held to discuss the designation proposal.* * *

Senator EXON thereupon agreed again to hold his bill to give State and local governing boards an opportunity to develop alternate ways to protect the river. Four counties were involved. In the next few years, the only actions taken were those by two of the four affected counties and then only to establish a committee to study the issue of whether zoning regulations should be adopted. None were. A bill introduced in the Nebraska Legislature failed to be reported from committee.

In early 1989, at the beginning of the 101st Congress, Senator EXON, Senator KERREY, Congressman BEREUTER, and I introduced our respective bills in the Senate and the House. As many of you may remember, that version, S. 280, passed by an overwhelming bipartisan majority last June by a 358-to-59 vote. The bill we are debating today, S. 248, is a compromise reached between the House and Senate last fall.

This legislation is the culmination of years of meetings, hearings, and negotiations. It is the end result of compromise. The primary purpose of the Niobrara Scenic River Designation Act will be to protect this valuable river resource under the Wild and Scenic Rivers Act with minimal infringement of the private property rights of local landowners along the river. In fact, the bill includes specific language restricting Interior's condemnation powers.

Today, the protection of the Niobrara River is in our hands. We must not let down those local residents and Nebraskans everywhere who have asked us to help preserve this precious piece of America.

In closing, I would like to pay tribute to a great man, a great conservation leader, the first cosponsor of this bill last Congress, a man who has more acres of national park and miles of protected river in his name than any other American, our former colleague, Morris Udall. Chairman Udall will once again leave his mark on our great park and river system.

Let me also salute Chairmen BRUCE VENTO and GEORGE MILLER who have been enthusiastic and effective through the whole process.

□ 1440

The subcommittee chairman, the gentleman from Minnesota [Mr. VENTO], has worked extremely hard on this proposal, and finally, Rick Healey, the staff director of the subcommittee, also has made a tremendous contribution.

Mr. Chairman, I urge my colleagues to vote for S. 248, the bill that passed the Senate on a voice vote, and against any amendments that are to be presented today.

Mr. Chairman, I am including in the RECORD the editorial from the Omaha World-Herald as follows:

[From the Omaha World-Herald, Mar. 27, 1991]

STUDY A DELAY TACTIC—NIOBRARA SCENIC RIVER BILL HAS BEEN FULLY DEBATED

An old trick in legislative bodies is to propose a study if you can't defeat a bill you don't like. That appears to be what Rep. Bill Barrett, R-Neb., is attempting to do to derail the Niobrara River protection bill.

The bill would add a 76-mile stretch of the river to the federal scenic river program. Barrett contends that "an immediate federal designation would be a slap in the face." This ignores the fact that the bill has been thoroughly debated in Congress and in Nebraska.

Last year the House and Senate both passed versions of the legislation before maneuvering left the issue hanging at the end of the session. Two Nebraska Democrats, Rep. Peter Hoagland and Sen. J. James Exon, re-introduced identical versions this year.

Rep. Robert Smith, R-Ore., a member of the House National Parks and Public Lands subcommittee, said at a recent hearing that "there's never going to be peace on the Niobrara" if Congress forces residents to accept the designation against their will. Three Nebraskans testified against the designation.

But others, including some who live along the river, want the federal designation to pass.

Elsie Leonard of Bassett, who with her husband owns about five miles of riverbank, testified that at least half of the private land along the 76 miles is owned by supporters of the protection bill. She said that in the 10 years supporters have been working for the federal law, backing from landowners had remained high in spite of what she called the misinformation and pressure tactics of the other side.

Lou Christiansen of Sparks and other backers of the scenic river designation talked about the importance of the river to wildlife and to visitors who are drawn to the Niobrara to hike, fish and canoe, or to enjoy the rare variety of plant and animal life. They talked about the hard work that has gone into the scenic designation effort, and they talked about the importance of acting before some of the land falls into the hands of people who might not take care of it as well as it has been taken care of in the past.

The opponents have not been ignored. The draft of the bill contains more landowner protection language than is customary in scenic rivers legislation. But it is well to remember that some landowners have supported the bill from the beginning. They want it passed to preserve a unique area for those who value it and for their children.

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

Mr. Chairman, I would just like to say that I agree with almost everything that the gentleman who just spoke in the well said except there has not been, as I said before, the kind of study that always is done in these kinds of issues. We need to have that studied before we go ahead with it.

Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT], in whose district most of this river lies and most of the proposals for wild and scenic river.

Mr. BARRETT. Mr. Chairman, I rise today in very strong, very strong opposition to S. 248.

I want to tell the Members right now that I do want to protect the river. My constituents want to protect the river. No one wants to see that river harmed in any way.

However, the parties to this debate seem to disagree on best how to protect the river. I want to follow the Wild and Scenic Rivers Act of 1968 which says "study the river first." I believe it is section 5(a) of that act. I want to comply with Nebraska opinion on this issue which, as has been suggested already, 78 percent of Nebraskans surveyed in the most recent poll say the Federal Government should not manage this river. I want to recognize fair play, and I want to recognize proper procedure.

My constituents who will be most directly affected by this bill are very concerned with the implications of 248 and rightly so.

For all these reasons and many more, Mr. Chairman, I must oppose S. 248, which is misguided. It is inappropriate and, I feel, incredibly bad legislation.

This bill will slap an instant and unprecedented Federal control on a portion of the Niobrara River which is in my congressional district.

Mr. Chairman, I will offer an amendment a little later on at an appropriate time in the form of a substitute to bring this bill in line with current law and Nebraska opinion, and I hope that you will recognize that I represent the district through which the 70 miles flow and, subsequently, I hope you will vote against 248 unless my amendment does carry.

Proponents have circulated an unfortunately large amount of misinformation in this debate, and I want to clear up some misgivings and perhaps half-truths. First of all, this river has not, and I repeat has not, been the subject of an indepth formal study needed to determine whether the river needs Federal protection. It has not been done.

A June 1990 letter from the Department of the Interior put it best, and here I quote:

> Out of the 108 rivers designated by Congress since 1968 as components of the National Wild and Scenic Rivers System, none, none has been designated without some form of study by the National Park Service, Forest Service, Bureau of Land Management, or other agency. The Niobrara has had no formal study whatsoever.

Despite this letter and other information to the contrary, proponents tell you that it has been the subject of all kinds of studies. Most of these were not really studies at all. The studies that did take place dealt mostly with different kinds of flowers and trees and wildlife in that area.

No one disputes the fact that the Niobrara River is an ecological treasure, but the studies did not look at whether the Federal or State or local government should protect the river. They did not look at the things the Interior Department needs to know, how to manage the river as a component of the Federal Wild and Scenic Rivers System.

Proponents do not want you to know, perhaps to realize, that the most contentious part of this bill, an instant and unprecedented Federal scenic river designation, will directly affect my congressional district. Others may support it because they will not have to answer to their constituents. I do.

Proponents will show you a letter which has 16 signatures on it claiming that this shows a majority of landowners supporting scenic designation. In fact, I have a letter from 121 landowners along this stretch of the Niobrara who are opposed to designation; 16 to 121, and simple mathematics will tell you where a majority of the landowners stand. They are very opposed to Federal designation that the Department of the Interior, quite frankly, is strongly opposed to.

One of the proponent's favored arguments is an outdated and perhaps even a convoluted poll done more than 2 years ago by the Omaha World-Herald newspaper to support an editorial stand which was taken by that paper. It supposedly determined that 74 percent of those polled favored Federal protection for the Niobrara, never mind that Federal control was the only protection alternative offered, and conducting a study was not even mentioned in that poll.

□ 1450

Never mind that the poll was taken more than 2 years ago, before Senate and House hearings were under way here in Washington, before a Nebraska field hearing, and before any Senate or House flood debate took place.

Proponents failed to mention also a recent poll on the issue, a scientific poll done by the Wirthlin Group less than a year ago, after considerable congressional action and media coverage. This poll determined, as has already been stated, 78 percent of Nebraskans polled, Nebraskans, felt that the State or local government could do a better job than the Federal Government of managing the river. Seventy-eight percent said keep the Federal Government out.

The Wirthlin poll went on to ask Nebraskans statewide whether they supported immediate designation or the usual study. Sixty-three percent surveyed favored complying with current law, doing a study, that I propose to Members today.

Environmental groups have circulated letters alluding to a scorecard, a tally, of how we vote on environmental issues. I want to tell Members right now that voting against S. 248 does not, in any way, mean that Members are voting against the environment. In fact, my amendment will ask for a study of 228 miles of the Niobrara River, in my district, which were included in the National Park Service's Rivers Inventory. Two hundred twenty-eight miles, not the 70 miles which is being asked for in S. 248. S. 248 deals only with that arbitrarily selected 70 miles. What is so magic about 70 miles? Why not go 228?

If this issue is truly how to best protect the Niobrara and its environment, than the pro-environment vote is the vote for my amendment. My amendment offers a chance to protect more of the river and to protect it to a much, much greater degree. Proponents will insist that the Federal control is the only way on Earth to protect this river, not true. I want a study done as provided by the Wild and Scenic Rivers Act, according to law, to determine which governmental entity, Federal, State or even local, can most effectively preserve this river.

Local officials currently have a protection plan in place. These people are protecting the river on their own, at no cost to the Federal Government which is very admirable, considering the pork barreling and the trillion-dollar budget deficits we are involved in.

Proponents unfairly dismiss local efforts, yet these are the people who live and make their living on that river. Much of the land adjacent to the river is used for farming and ranching, and more than 90 pecent of it is privately owned. That is a very unusual feature for a Federal river. Many of these people are living on the land that has been in their families for generations. They know the river better than the Members of Congress, and they know it better than the Washington bureaucrats, and they certainly know it better than some of the groups that are supporting immediate designation. The local people deserve to be given a fair shake, and to be spared the steamroller of an immediate and unprecedented designation.

Local protection efforts deserve to be given serious consideration as an alternative to Federal control, instead of some callous, very quick dismissal. In fact, the local people feel so strongly about this that they sent several local landowners to the Hill to lobby Members of Congress on this very issue. I hope that many Members, at least the staffs, have had the chance to visit with some of these Nebraskan women, and hoping that fairness will prevail, so they can go home and tell their neighbors that fairness and current law prevailed in this discussion.

I certainly hope that fairness and current law will prevail. I am the new guy on the block. I admit that I have a great deal to learn. One thing I do know is that something that affects a Member's district, that Member deserves a fair shake. Let me tell Members that I am getting the short end of the stick on this one. Please allow me to do what we were sent here to do, represent our constituents. Mine and a large majority of Nebraskans, who do not want instant control of the Niobrara River. Help me represent their wishes by voting against S. 248 and in favor of the amendment which I will propose later.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members should be reminded that references should not be made to people visiting in our galleries.

Mr. VENTO. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. BONIOR], who has worked hard on the issue of the Norden Dam and the Niobrara River many years past. I commend him for that effort, that very successful effort.

Mr. BONIOR. Mr. Chairman, I thank my colleague from Minnesota for yielding me this time, and I commend the gentleman from Nebraska [Mr. HOAGLAND] for his position on this important environmental piece of legislation, this important statewide issue in his State. I say to my colleague who

has just spoken so eloquently, and I might add that I understand and respect his views, even though I have a different view than him.

Mr. Chairman, the Niobrara River system in northern central Nebraska is truly one of the unique finds of nature. If we follow closely the chart that was presented by my colleague from Nebraska [Mr. HOAGLAND] and look at the different ecosystems involved, we cannot help but marvel from a textbook standpoint, of the diversity in which we are confronted in a natural system this afternoon.

I had the pleasure of visiting this river valley and have seen its natural beauty. I have seen the confluence of the different ecosystems as they merged, to provide one of the unique natural settings in America. The Niobrara River is the home of six distinct ecosystems. Abundant wildlife includes bald eagles, whitetailed deer, whooping cranes. There are many, many whooping cranes, and several endangered species, as well as many more. The river is one of the few rivers in our country whose ecological balance has not been altered by dams and man-made channels. For that reason, the Niobrara retains much of its natural character.

The Fish and Wildlife Service has labeled the river its highest priority. Its highest priority. Fish Resource and several private environmental organizations have been working to establish wildlife sanctuaries along its banks. We must complement those efforts by providing Federal protection of the Niobrara River.

Ten years ago, as the gentleman from Minnesota has indicated, I helped to lead a fight in Congress against the proposed dam, the Norden Dam, which would have destroyed this habitat and flooded 30,000 acres. Ten years ago we stood fast in preserving this natural treasure for future generations.

I hope we take an important step today to add another important step toward its preservation and enhancement. Today we must do so, once again, by granting it the Scenic River status. The Niobrara meets all the criteria established for designation as a scenic river. There is no need to delay further and study this issue.

The editorial in the Omaha World Herald, on Wednesday, March 27, 1991, says it all: "Niobrara Scenic River bill has been fully debated."

It does not need to be studied further, Mr. Chairman. We all thought that we had resolved this issue last summer when the House of Representatives passed this legislation, very similar legislation, by a vote of 359 to 40. Unfortunately, this measure was held up in the final days of the 101st Congress and not passed into law by both Chambers.

It was in the last absolute hour that this fell by the wayside last year, Mr. Speaker, and it got a resounding vote in this House, 359 of our Members stood up and supported it.

I urge this body to follow the actions of the 101st Congress by quickly passing S. 248. The health of the Niobrara and its species depend upon our settling this matter once and for all. We have the opportunity to preserve a unique habitat by passing this bill today. I urge my colleagues to support the designation of the Niobrara as a scenic river.

Mr. LAGOMARSINO. Mr. Chairman, I yield 4 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. VENTO. Mr. Chairman, I yield an additional 3 minutes to the gentleman from Nebraska.

The CHAIRMAN. The gentleman from Nebraska (Mr. BEREUTER) is recognized for a total of 7 minutes.

Mr. BEREUTER. Mr. Chairman, this Member rises in the strongest possible support for S. 248.

Mr. Chairman, this Member would begin by commending the distinguished gentleman from Minnesota [Mr. VENTO], the chairman of the National Parks and Public Lands Subcommittee, for his truly outstanding work in bringing this legislation to the floor.

This Member also wishes to commend his distinguished colleague from Nebraska [Mr. HOAGLAND] for his introduction, along with this Member, of Niobrara Scenic River legislation in the House and his dedicated efforts to protect this unique river. Also I recognize the dedicated and effective advocacy of my other distinguished Nebraska colleague (Mr. BARRETT), although we disagreed on this legislation.

This S. 248 contains the same language as the compromise which was reached last year after different versions passed both the House and the other body by wide margins. The compromise version represented sincere efforts to protect the river while recognizing the rights of area farmers and ranchers. Unfortunately, the compromise bill, after approval by the other body, was narrowly, as a sympathetic gesture, defeated in the House on the last night of the 101st Congress by a procedural vote requiring a two-thirds majority.

My colleagues, the passage of this legislation is important for many reasons. This Member believes it is crucial that this bill be approved in order to protect the current nature of the existing farm and ranch operations that have thus far preserved the scenic and pastoral landscape in the area; to protect the unique mixture of flora and fauna found in some parts of the valleys of the Niobrara River Valley and the river's designated tributaries, and to preserve and interpret the historic, archeological, and paleontological resources in the Niobrara River Valley. In some cases those are resources of national and international repute.

For these reasons, alone, this Member believes S. 248 is outstanding legislation. However, in addition to providing scenic river protection for a 70-mile stretch of the Niobrara River, the only controversial part of the bill in most people's judgment, the legislation also examines the whole range of recreational, tourism, and economic development opportunities that exist in north central and northeast Nebraska.

The resolution calls for the study of a possible Niobrara-Buffalo Prairie National Park in north central Nebraska. Such a park would preserve an area of native short-grass Nebraska sandhills as one of the representative habitats of the American bison. For over 25 years the National Park Service has sought to set aside a grassland national park in the Great Plains and this is a very attractive alternative for such a park.

Second, the resolution designates the eastern-most 25-mile stretch of the Niobrara River and a part of its Verdigre Creek tributary as a recreation river. This stretch is entirely within Nebraska's First Congressional District which this member represents.

Third, the measure designates a 39-mile stretch of the Missouri River, a boundary river in part between Nebraska and South Dakota as a recreation river. This stretch of the Missouri River is approximately half in South Dakota's at-large House District represented by the distinguished gentleman from South Dakota [Mr. JOHNSON], and adjacent to Knox County, NE, which this Member represents and Boyd County, NE, which my distinguished colleague from Nebraska [Mr. BARRETT] represents.

This legislation also calls for the study of a possible national recreation area in Knox and Boyd Counties adjacent to the newly designated recreation river areas and adjacent to the Lewis and Clark Reservoir. Such a designation would provide enhanced visitation and recreational status to this recognized recreation area with no adverse limitations on the future development of the rivers. It should open the way for the development of a variety of recreational areas and facilities within the designated area.

Although this resolution addresses many environmental issues related to the area, certainly the provision generating the most discussion involves the scenic designation of the 76-mile stretch of the Niobrara River. Among the vast majority of Nebraskans, there is widespread agreement that action should be taken to preserve and protect the Niobrara River and valley.

A few minutes ago my distinguished colleague referred to a poll. That poll, I would tell my colleagues, was taken by the Nebraska Water Resources Association. They are strong advocates for building the Norden Dam. The ques-

tions that were asked in that poll were very skewed and the answers not surprisingly met that kind of bias. In fact, the only unbiased poll, one taken by the most reputable polling operation in the State, employed by the World Herald, indicates that legislation to protect the Niobrara River enjoys the strong support of the majority of Nebraskans from all three congressional districts and from both political parties.

The most recent unbiased, independent poll was conducted in 1989 by the Omaha World-Herald. This statewide poll found that 74 percent of Nebraskans polled favored scenic river designation for the Niobrara, while only 15 percent were opposed. This poll also showed that 65 percent of those polled in the Third Congressional District, where the 70-mile river section is located, support scenic river designation. In addition to overwhelming statewide approval for Federal designation of the 70-mile stretch of the Niobrara River as a scenic river, this measure is also supported by a significant number of landowners along this affected part of the Niobrara River who have written and spoken to this Member directly.

It is important to keep one fact in mind about the opposition. Many, but not all, opponents of scenic river designation for the 70-mile stretch of the Niobrara River still cling to the absolute futile hope that one day the old Norden Dam project will resurface.

Some of these opponents who talk about Federal intrusion and condemnation of land have forgotten that 30,000 acres of private land would have been condemned and flooded in the Niobrara River Valley had the Norden Dam and canal system been built. They are talking for their own financial best interest, and that's their right and it's understandable, but we ought to recognize what they are doing.

In addition to the Nebraska Game and Parks Commission, numerous environmental and conservation organizations support scenic designation of the Niobrara River. These groups recognize the importance of protecting this spectacular jewel for Nebraskans and all Americans who enjoy natural beauty. This high level of interest by citizens from across the United States is further evidence that this issue has national, rather than just local, significance. In addition, the three largest newspapers in Nebraska have come out strongly in support of this legislation.

The efforts to establish protection for the Niobrara River are well documented. Some people have suggested that a study is necessary. This is one of the most studied rivers in the United States with respect to the wild and scenic river designation.

Back in 1968, the Niobrara River was 1 of the first 12 rivers recommended for designation under the original Wild and Scenic Rivers Act. In subsequent years, the river was the subject of further studies by national governmental and nongovernmental organizations as well as local organizations. This Member would also like to point out that the National Park Service's nationwide rivers inventory study which was published in 1982 gave this 70 plus 6 mile stretch of the Niobrara River—along with additional stretches of the river immediately upstream and downstream—"outstandingly remarkable values" ratings in all categories. The Niobrara was one of only two rivers in the Midwest or Great Plains area to receive this high ranking.

S. 248 not only contains crucial protection for the Niobrara River, it also includes additional important protection for area farmers and ranchers beyond the generic Wild and Scenic Rivers Act which will allow them to continue normal operations. The bill is, indeed, very carefully crafted to assure special protections and considerations to property owners. The Federal Government will provide technical expertise for protecting the river, but it will not be allowed to acquire interest in more than 5 percent of the river corridor area without consent of the owner; nor more than 2 percent of such area in fee simple without the consent of the owner.

The bill also provides for an 11-member Niobrara Scenic River Advisory Commission including local landowners and officials to be appointed by the Secretary of the Interior. The Commission will help establish a protection strategy for the river and provide guidance in its day-to-day management. In order to ensure local control, area landowners and officials will maintain a clear majority on the Commission at all times.

This member would also like to point out that S. 248 does not preclude local efforts to protect the Niobrara River. In fact, it is designed to facilitate cooperation between the Federal Government and local government. If local preservation efforts are successful, the Federal scenic designation will simply serve as a meaningful backup plan.

In closing, this Member would like to state that it is generally agreed that ranchers, farmers, and property owners in the Niobrara River Valley have been outstanding stewards of this national treasure. However, this unique area will come under increasing development pressure. This wild and scenic river legislation will provide the basis for the protection and stewardship of the Niobrara River area in the face of inappropriate development pressures. The Interior Committee in its report appropriately recognizes that "the Niobrara is vulnerable to developments and degradation that can alter the outstanding resource values of the river that are recognized by all."

Mr. Chairman, this legislation also opens up the possibility for bolder, more exciting, and economically more attractive national, State, and local recreation attractions. Thus for all of these reasons, and many, many more this Member strongly urges his colleagues to support this very worthy and long overdue legislation. The Niobrara River deserves the protection of the Wild and Scenic Rivers Act and the will of the great majority of Nebraskans in all parts of the Cornhusker State have thwarted for too long already.

Mr. Chairman, in conclusion, I urge a yes vote and rejection of all amendments since they will only delay the passage of this legislation which Congress has already considered and refined over the course of several years.

Mr. Chairman, I would like to engage in a brief colloquy with the chairman of the committee.

Would the committee chairman, the gentleman from Minnesota [Mr. VENTO] verify that the designation of the 25-mile segment of the Niobrara River and its tributary, Verdigre Creek, as a recreation river will not impede the establishment or maintenance of a small boat channel through the sand deposits at the mouth of the Niobrara and Verdigre Creek?

I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, as provided in the Wild and Scenic Rivers Act, such activities are permitted on a river classified as recreational so long as they do not have a direct and adverse impact on the river; and the waterway remains generally natural and riverine in appearance.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for the assurance.

Mr. LAGOMARSINO. Mr. Chairman, I yield 2½ minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to S. 248, the Niobrara Scenic River Designation Act of 1991. This legislation is misguided and strongly opposed by the Nebraskans who would be most directly affected by the measure.

This bill is a blatant example of the Congress imposing its will on the people of the United States without considering the effects on the individuals who actually live in the area. It is a free environmental vote for many Members of this body who do not have large amounts of federally controlled land in their districts. This is wrong, and would not be tolerated in an institution designed to protect the rights of our citizens.

The Niobrara River is certainly beautiful and no one disagrees about the need for it to be protected. However, this legislation is unprecedented and not the proper vehicle to achieve that goal. Although proponents of S. 248 claim the river has been studied in

depth, this is simply not true. Additional work and studies are needed in order to obtain sufficient information to determine how to properly manage the river. The Department of the Interior agrees with this position and Secretary Lujan has recommended a veto of the bill if it is forwarded to the White House.

Mr. Chairman, perhaps the most troubling aspect of this legislation is the fact that the vast majority of the river which would be designated as wild and scenic is privately owned. Coming from a State such as Wyoming, which is 50 percent federally owned, I can tell you this is not logical or a sound public policy for our Nation. The people of Wyoming and the other Western States are tired of the Federal Government intruding in their affairs and hindering their ability to control their lives.

I serve as a member of the House Interior and Insular Affairs Committee, and it seems as if everyday we are faced with another piece of legislation which will allow the Federal Government greater control over private land. Although the majority party constantly assures us that it understands and respects the rights of property owners, the proof is in the pudding. We seem to pay great lip service to protecting private property rights in the Congress, but we never seem to back that up with sound legislative ideals advocating that principle.

I hope every Member of this body will consider the effects this legislation will have on the people in Mr. BARRETT's district. He certainly does not support this bill, the people of his district do not support this bill, and I believe it would be a serious mistake for the Congress to impose its will on these people and create more locally unsupported federally controlled land.

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Mr. LAGOMARSINO. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the amendment to S. 248 which will be offered by my colleague from Nebraska, BILL BARRETT, the Member who represents those citizens who live within and near the corridor of the Niobrara River which this bill would designate as wild and scenic.

Last year I supported the efforts of my friend, Virginia Smith, to amend Senator EXON'S bill to allow for study of the Niobrara's suitability for inclusion into the Wild and Scenic River System, rather than instantly designating it as such. I attended the Interior Committee's 1990 field hearing in Ainsworth, NE, where I listened to Mrs. Smith's, and now BILL BARRETT'S, constituents speak from their hearts about the issue of protecting the scenic character of the Niobrara River and its banks. In most of the stretch of the Niobrara included in this bill the banks of the river and the quarter-mile corridor to either side of the river are privately owned farmlands. The farmers who testified before us that day are strongly opposed to instant designation.

Mr. Chairman, those Nebraskans signaled their opposition in a bipartisan fashion. Both candidates for Mrs. Smith's seat opposed to instant designation. The winner of that race stands before us today saying "Let my people go." We should oblige Mr. BARRETT by accepting his perfectly rational amendment to follow the process intended in the Wild and Scenic Rivers Act—study first, then act upon the results of the study. The bill before us now says "No, let's designate now and ask questions later." I might add that the references to the Omaha World Herald being in strong support of S. 248 are interesting since Omaha is not in BILL BARRETT'S district.

My fellow colleagues, instant designation of the Niobrara simply solidifies the views of many outside the beltway that this Congress would rather simply make an easy environmental vote rather than acknowledge the consequences of our actions upon the citizens we serve. Instant designation serves no good purpose, but it does alarm the Nebraskan landowners along the river who have real concerns about condemnation of their property.

Mr. Chairman, I support the amendment which will be offered by Mr. BARRETT and I urge my colleagues to join with me and adopt it.

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

Mr. Chairman, the gentleman from California [Mr. LAGOMARSINO) began by saying some very kind things about me. I want to return the favor and recognize the contributions that the gentleman has made for a long time while serving as the ranking member on the Subcommittee on National Parks and Public Lands.

I also want to talk about the process under which this was considered, just briefly, so that Members understand that we made every effort to involve the membership, to hear witnesses on both sides in the field. We had three separate hearings, two in the 101st Congress and another in the 102d Congress, for a measure basically on the verge of passage here on the last night when we were required to have a two-thirds vote by the nature of the procedure that we adopted to consider measures the last night of the congressional session.

So it is an issue that remains. We had hoped that we could conclude it at that time. But we have gone the extra mile here.

Now, there is a lot of discussion about how rivers get designated. The fact is that 122 rivers that were designated, of those nearly a third of them or about a third have never received either the 5(a) of 4(a) study as recommended by Congress. In fact, seven of the rivers have been designated by the Secretary on an administrative basis.

That means there is not necessarily study but the States have recommended it.

So, again, to look at this, we have a varied picture as to how they are designated. I think the adequacy of studies and understanding of it is very important to the Members. We will be debating that, Mr. Chairman, as we move into the 5-minute rule and amendments are presented to the membership.

I thank the gentlemen for a good debate and for the ability and cooperation exhibited throughout consideration of this measure, by especially Congressman BARRETT, Congressman HOAGLAND, and Congressman BEREUTER, who are most immediately affected.

Mr. SLATTERY. Mr. Chairman, I rise today in strong support of the Niobrara Scenic River Designation Act of 1991.

This legislation is absolutely necessary to protect one of the most scenic and biologically diverse areas in the Great Plains.

Deer, fish, birds, and a wide variety of tree and plant life depend on the Niobrara River for their survival.

Known as North America's biological crossroads, the Niobrara Valley is also home to many endangered species such as the bald eagle and the whooping crane.

Every day we wait to pass this bill reduces our chances of protecting this beautiful area for future generations.

The Niobrara Scenic River Designation Act has already passed both the House and the Senate two times.

It is supported by 74 percent of Nebraskans, 4 of Nebraska's five Congressmen, and both of Nebraska's Senators.

I urge my colleagues to join me in supporting this legislation.

Mr. LAROCCO. Mr. Chairman, I am pleased today to support S. 248, a bill to designate for scenic protection the Niobrara River in northern Nebraska.

The Niobrara bill is bipartisan and represents years of work, reflecting the views and concerns of many Nebraskans, including those who live along the river. My attachment to the river goes back over 15 years ago when I worked for former Idaho Senator Frank Church. Senator Church in the 1960's authored omnibus river protection legislation, known as the Wild and Scenic Rivers Act, that included the Niobrara in a list to be studied for addition to the national system.

The Niobrara has outstanding natural qualities. The Interior Department's nationwide rivers inventory classifies it as having the following outstandingly remarkable values: scenic, recreational, geological, fish, wildlife, historical, and cultural. It is a biological crossroads where the low plains meet the high plains. It is home to a wide variety of wildlife, serving as a migratory stop for whooping cranes. It is a major wintering area for bald eagles. The river

has unique historical, paleontological and archelogical significance. William Clark wrote about it during the 1804 Lewis and Clark expedition. It has been over 20 years since the scenic designation effort began. We have been lucky that the river's resources have not been significantly harmed, but if we continue to study and study, wait and wait, it may be too later.

The Niobrara bill is a good compromise and a fair bill. It will protect a unique treasure and a precious national and natural resource. I hope my colleagues will join me in supporting the Niobrara bill.

Mr. SMITH of Oregon. Mr. Chairman, I rise in opposition to legislation to designate portions of the Niobrara River as part of the National Wild and Scenic River System.

There is no compelling reason to instantly designate the Niobrara River. During the hearing on this bill, the Interior Department testified that there was no threat of a dam or water impoundment on the Niobrara River. If there was any threat of a dam, the study status would prohibit it for 3 years.

Simply put, there is no danger of development and the river is not threatened. In fact, the only thing threatened are the private landowners who will be subjected to the condemnation provisions of this bill.

Proponents of this bill will try to tell you that the Federal Government rarely uses condemnation to acquire lands and that this legislation sets limits on condemnation. The problem is, these limits can be arbitrarily waived by the local manager.

And how about the issues of condemnation being rarely used? Why don't you try and tell that to the owners of the 38 tracts of land along the Rogue River in my district who had their land condemned by the Federal Government when that river was designated wild and scenic. This was at a significant cost to the Federal Government.

The approach being followed here, instant designation without a formal study is unprecedented for a river with huge amounts of private land. The persons along this river who will be most impacted by this legislation are strongly opposed to granting the Federal Government full control of their lives.

Instead, we should formally study the river to see if it qualifies for designation. The proponents of this bill have based designation on obscure studies that are nowhere comparable to a basic section 4(a) study, which would provide the most basic understanding of the implications of wild and scenic designation.

I feel great sympathy for the gentleman from Nebraska [Mr. BARRETT]. I was involved in a similar situation in Oregon when Congress designated some 1,400 linear miles of wild and scenic river, the largest of any designation at any time.

So I can tell you from experience that the Federal Government is not always the best and most suitable manager of natural resources like the Niobrara River. Local landowners want to know answers to questions about the impact of this designation on agriculture, easements and water rights.

They deserve better studies than a 1971 report by the Nebraska Soil and Water Conservation Commission which concluded that the Niobrara may be suitable for inclusion in the Wild and Scenic River System.

Mr. BARRETT's constituents sent him to Congress to fight this designation, and we ought not be legislating in his district. So let's not ram the bill down Mr. BARRETT's throat or the throats of people who live near and around the Niobrara River.

I urge my colleagues to vote against this misguided proposal and support Mr. BARRETT's amendment to formally study this river.

Mr. VENTO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the Senate bill will be considered under the 5-minute rule by sections and each section shall be considered as having been read.

Mr. VENTO. Mr. Chairman, I ask unanimous consent that the Senate bill be printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the Senate bill is as follows:

S. 248

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 "Niobrara Scenic River Designation Act of 1991".

SEC. 2. DESIGNATION OF THE RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end thereof the following:

"( ) NIOBRARA, NEBRASKA.—(A) The 40-mile segment from Borman Bridge southeast of Valentine downstream to its confluence with Chimney Creek and the 30-mile segment from the river's confluence with Rock Creek downstream to the State Highway 137 bridge, both segments to be classified as scenic and administered by the Secretary of the Interior. That portion of the 40-mile segment designated by this subparagraph located within the Fort Niobrara National Wildlife Refuge shall continue to be managed by the Secretary through the Director of the United States Fish and Wildlife Service.

"(B) The 25-mile segment from the western boundary of Knox County to its confluence with the Missouri River, including that segment of the Verdigre Creek from the north municipal boundary of Verdigre, Nebraska, to its confluence with the Niobrara, to be administered by the Secretary of the Interior as a recreational river.

"After consultation with State and local governments and the interested public, the Secretary shall take such action as is required under subsection (b) of this section.

"( ) MISSOURI RIVER, NEBRASKA AND SOUTH DAKOTA.—The 39-mile segment from the headwaters of Lewis and Clark Lake to the Ft. Randall Dam, to be administered by the Secretary of the Interior as a recreational river.".

SEC. 3. STUDY OF 6-MILE SEGMENT.

(a) STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following at the end:

"( ) NIOBRARA, NEBRASKA.—The 6-mile segment of the river from its confluence with Chimney Creek to its confluence with Rock Creek.".

(b) WATER RESOURCES PROJECT.—If, within 5 years after the date of enactment of this Act, funds are not authorized and appropriated for the construction of a water resources project on the 6-mile segment of the Niobrara River from its confluence with Chimney Creek to its confluence with Rock Creek, at the expiration of such 5-year period the 6-mile segment shall be designated as a component of the National Wild and Scenic Rivers System by operation of law, to be administered by the Secretary of the Interior in accordance with sections 4 and 5 of this Act and the applicable provisions of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287). The Secretary of the Interior shall publish notification to that effect in the Federal Register.

SEC. 4. LIMITATIONS ON CERTAIN ACQUISITION.

(a) LIMITATIONS.—In the case of the 40-mile and 30-mile segments of the Niobrara River described in the amendment to the Wild and Scenic Rivers Act made by section 2 of this Act, the Secretary of the Interior shall not, without the consent of the owner, acquire for purposes of such segment land or interests in land in more than 5 percent of the area within the boundaries of such segments, and the Secretary shall not acquire, without the consent of the owner, fee ownership of more than 2 percent of such area. The limitations on land acquisition contained in this subsection shall be in addition to, and not in lieu of, the limitations on acquisition contained in section 6 of the Wild and Scenic Rivers Act.

(b) FINDING; EXCEPTION.—The 5 percent limitation and the 2 percent limitation contained in subsection (a) of this section shall not apply if the Secretary of the Interior finds, after notice and opportunity for public comment, that State or local governments are not, through statute, regulation, ordinance, or otherwise, adequately protecting the values for which the segment concerned is designated as a component of the national wild and scenic rivers system.

SEC. 5. NIOBRARA SCENIC RIVER ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Niobrara Scenic River Advisory Commission (hereinafter in this Act referred to as the "Commission"). The Commission shall advise the Secretary of the Interior (hereinafter referred to as the "Secretary") on matters pertaining to the development of a management plan, and the management and operation of the 40-mile and 30-mile segments of the Niobrara River designated by section 2 of this Act which lie outside the boundary of the Fort Niobrara National Wildlife Refuge and that segment of the Niobrara River from its confluence with Chimney Creek to its confluence with Rock Creek.

(b) MEMBERSHIP.—The Commission shall consist of 11 members appointed by the Secretary—

(1) 3 of whom shall be owners of farm or ranch property within the upper portion of the designated river corridor between the Borman Bridge and the Meadville;

(2) 3 of whom shall be owners of farm or ranch property within the lower portion of the designated river corridor between the Meadville Bridge and the bridge on Highway 137;

(3) 1 of whom shall be a canoe outfitter who operates within the river corridors;

(4) 1 of whom shall be chosen from a list submitted by the Governor of Nebraska;

(5) 2 of whom shall be representatives of the affected county governments or natural resources districts; and

(6) 1 of whom shall be a representative of a conservation organization who shall have knowledge and experience in river conservation.

(c) TERMS.—Members shall be appointed to the Commission for a term of 3 years. A member may serve after the expiration of his term until his successor has taken office.

(d) CHAIRPERSON; VACANCIES.—The Secretary shall designate 1 of the members of the Commission, who is a permanent resident of Brown, Cherry, Keya Paha, or Rock Counties, to serve as Chairperson. Vacancies on the Commission shall be filled in the same manner in which the original appointment was made. Members of the Commission shall serve without compensation, but the Secretary is authorized to pay expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairperson.

(e) TERMINATION.—The Commission shall cease to exist 10 years from the date of enactment of this Act.

SEC. 6. MISSOURI RIVER PROVISIONS.

(a) ADMINISTRATION.—The administration of the Missouri River segment designated in section 2 of this Act shall be in consultation with a recreational river advisory group to be established by the Secretary. Such group shall include in its membership representatives of the affected States and political subdivisions thereof, affected Federal agencies, organized private groups, and such individuals as the Secretary deems desirable.

(b) BRIDGES.—The designation of the Missouri River segment by the amendment made by section 2 of this Act shall not place any additional requirements on the placement of bridges other than those contained in section 303 of title 49, United States Code.

(c) EROSION CONTROL.—Within the Missouri River segment designated by the amendment made by section 2 of this Act, the Secretary shall permit the use of erosion control techniques, including the use of rocks from the area for streambank stabilization purposes, subject to such conditions as the Secretary may prescribe, in consultation with the advisory group described in subsection (a) of this section, to protect the resource values for which such river segment was designated.

SEC. 7. NATIONAL RECREATION AREA STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service, shall undertake and complete a study, within 18 months after the date of enactment of this section, regarding the feasibility and suitability of the designation of lands in Knox County and Boyd County, Nebraska, generally adjacent to the recreational river segments designated by the amendments made by section 2 of this Act and adjacent to the Lewis and Clark Reservoir, as a national recreation area. The Secretary may provide grants and technical assistance to the State of Nebraska, the Santee Sioux Indian Tribal Council, and the political subdivisions having jurisdiction over lands in these 2 counties to assist the Secretary in carrying out such study. The study under this section shall be prepared in consultation with the Santee Sioux Tribe, affected political subdivisions, and relevant State agencies. The study shall include as a minimum each of the following:

(1) A comprehensive evaluation of the public recreational opportunities and the flood plain management options which are available with respect to the river and creek corridors involved.

(2) An evaluation of the natural, historical, paleontological, and recreational resources and values of such corridors.

(3) Recommendations for possible land acquisition within the corridor which are deemed necessary for the purpose of resource protection, scenic protection and integrity, recreational activities, or management and administration of the corridor areas.

(4) Alternative cooperative management proposals for the administration and development of the corridor areas.

(5) An analysis of the number of visitors and types of public use within the corridor areas that can be accommodated in accordance with the full protection of its resources.

(6) An analysis of the facilities deemed necessary to accommodate and provide access for such recreational uses by visitors, including the location and estimated costs of such facilities.

(b) SUBMISSION OF REPORT.—The results of such study shall be transmitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 8. STUDY OF FEASIBILITY AND SUITABILITY OF ESTABLISHING NIOBRARA-BUFFALO PRAIRIE NATIONAL PARK.

(a) IN GENERAL.—The Secretary of the Interior shall undertake and complete a study of the feasibility and suitability of establishing a national park in the State of Nebraska to be known as the Niobrara-Buffalo Prairie National Park within 18 months after the date of enactment of this Act.

(b) AREA TO BE STUDIED.—The areas studied under this section shall include the area generally depicted on the map entitled "Boundary Map, Proposed Niobrara-Buffalo Prairie National Park", numbered NBP-80,000, and dated March 1990. The study area shall not include any lands within the boundaries of the Fort Niobrara National Wildlife Refuge.

(c) RESOURCES.—In conducting the study under this section, the Secretary shall conduct an assessment of the natural, cultural, historic, scenic, and recreational resources of such areas studied to determine whether they are of such significance as to merit inclusion in the National Park System.

(d) STUDY REGARDING MANAGEMENT.—In conducting the study under this section, the Secretary shall study the feasibility of managing the area by various methods, in consultation with appropriate Federal agencies, the Nature Conservancy, and the Nebraska Game and Parks Commission.

(e) SUBMISSION OF REPORT.—The results of the study shall be submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BARRETT

Mr. BARRETT. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BARRETT: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Niobrara River Preservation Act of 1991".

SEC. 2. DESIGNATION OF THE RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end thereof the following:

"( ) NIOBRARA, NEBRASKA.—The 25-mile segment from the western boundary of Knox County to its confluence with the Missouri River, including that segment of the Verdigre Creek from the north municipal boundary of Verdigre, Nebraska, to its confluence with the Niobrara, to be administered by the Secretary of the Interior as a recreational river. After consultation with State and local governments and the interested public, the Secretary shall take such action as is required under subsection (b) of this section with respect to such segment.

"( ) MISSOURI RIVER, NEBRASKA AND SOUTH DAKOTA.—The 39-mile segment from the headwaters of Lewis and Clark Lake to the Fort Randall Dam, to be administered by the Secretary of the Interior as a recreational river.".

SEC. 3. STUDY OF PORTIONS OF THE NIOBRARA RIVER.

"( ) STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following at the end:

"( ) NIOBRARA, NEBRASKA.—The 228-mile segment which is included on the National Park Service nationwide river inventory and extends from Antelope Creek to the western boundary of Knox County. The Secretary of the Interior, acting through the Director of the National Park Service, shall complete a comprehensive river protection plan for the entire 228 miles of the Niobrara River identified herein. The plan shall be completed in a manner consistent with the provisions of this Act. The plan shall include a detailed analysis of the role and ability of the local, State, and Federal Governments to accomplish the resource protection goals of the plan. This analysis shall serve as the primary basis for determining whether the local, State, or Federal Government shall have primary responsibility for implementation of the plan and whether the river shall be designated as a unit of the wild and scenic rivers system under this Act. The plan shall be completed within 36 months after the date of enactment of this subsection. The plan shall provide for the continuation of existing land uses to the maximum extent practicable. Additionally, the plan shall address each of the following:

"(A) The specific boundaries which are needed to protect the resources of the river corridor and the visitor experience.

"(B) Any restrictions on development or land use practices within the river corridor which are considered necessary to protect the river.

"(C) Identification of all facilities and access points which are necessary to support recreational use of the river corridor.

"(D) A detailed recreational use plan which addresses such issues as carrying capacity, camping, trash and human waste removal, and any restrictions on types of craft to be used.

"(E) An estimate of the instream flow requirements necessary to protect river resources and ensure a quality recreational experience.

"(F) An analysis of any streambank erosion control practices which are needed to protect the resources of the river corridor.

"(G) An analysis of economic benefits of recreational use of the river.".

SEC. 4. MISSOURI RIVER PROVISIONS.

(a) ADMINISTRATION.—The administration of the Missouri River segment designated in section 2 of this Act shall be in consultation

with a recreational river advisory group to be established by the Secretary of the Interior. Such group shall include in its membership representatives of the affected States and political subdivisions thereof, affected Federal agencies, organized private groups, and such individuals as the Secretary deems desirable.

(b) BRIDGES.—The designation of the Missouri River segment by the amendment made by section 2 of this Act shall not place any additional requirements on the placement of bridges other than those contained in section 303 of title 49, United States Code.

(c) EROSION CONTROL.—Within the Missouri River segment designated by the amendment made by section 2 of this Act, the Secretary shall permit the use of erosion control techniques, including the use of rocks from the area for streambank stabilization purposes, subject to such conditions as the Secretary may prescribe, in consultation with the advisory group described in subsection (a) of this section, to protect the resource values for which such river segment was designated.

SEC. 5. NATIONAL RECREATION AREA STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service, shall undertake and complete a study, within 18 months after the date of enactment of this section, regarding the feasibility and suitability of the designation of lands in Knox County and Boyd County, Nebraska, generally adjacent to the recreational river segments designated by the amendments made by section 2 of this Act and adjacent to the Lewis and Clark Reservoir, as a national recreation area. The Secretary may provide grants and technical assistance to the State of Nebraska, the Santee Sioux Indian Tribal Council, and the political subdivisions having jurisdiction over lands in these 2 counties to assist the Secretary in carrying out such study. The study under this section shall be prepared in consultation with the Santee Sioux Tribe, affected political subdivisions, and relevant State agencies. The study shall include as a minimum each of the following:

(1) A comprehensive evaluation of the public recreational opportunities and the flood plain management options which are available with respect to the river and creek corridors involved.

(2) An evaluation of the natural, historical, paleontological, and recreational resources and values of such corridors.

(3) Recommendations for possible land acquisition within the corridor which are deemed necessary for the purpose of resource protection, scenic protection and integrity, recreational activities, or management and administration of the corridor areas.

(4) Alternative cooperative management proposals for the administration and development of the corridor areas.

(5) An analysis of the number of visitors and types of public use within the corridor areas that can be accommodated in accordance with the full protection of its resources.

(6) An analysis of the facilities deemed necessary to accommodate and provide access for such recreational uses by visitors, including the location and estimated costs of such facilities.

(b) SUBMISSION OF REPORT.—The results of such study shall be transmitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 6. STUDY OF FEASIBILITY AND SUITABILITY OF ESTABLISHING NIOBRARA-BUFFALO PRAIRIE NATIONAL PARK.

(a) IN GENERAL.—The Secretary of the Interior shall undertake and complete a study of the feasibility and suitability of establishing a national park in the State of Nebraska to be known as the Niobrara-Buffalo Prairie National Park within 18 months after the date of enactment of this Act.

(b) AREA TO BE STUDIED.—The areas studied under this section shall include the area generally depicted on the map entitled "Boundary Map, Proposed Niobrara-Buffalo Prairie National Park", numbered NBP-80,000, and dated March 1990. The study area shall not include any lands within the boundaries of the Fort Niobrara National Wildlife Refuge.

(c) RESOURCES.—In conducting the study under this section, the Secretary shall conduct an assessment of the natural, cultural, historic, scenic, and recreational resources of such areas studied to determine whether they are of such significance as to merit inclusion in the National Park System.

(d) STUDY REGARDING MANAGEMENT.—In conducting the study under this section, the Secretary shall study the feasibility of managing the area by various methods, in consultation with appropriate Federal agencies, the Nature Conservancy, and the Nebraska Game and Parks Commission.

(e) SUBMISSION OF REPORT.—The results of the study shall be submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. BARRETT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BARRETT. Mr. Chairman, my amendment will bring S. 248 in line with the Wild and Scenic Rivers Act, and with the 78 percent of Nebraskans who oppose immediate Federal control for the Niobrara.

As I've previously mentioned, S. 248 is very precedent-setting and misguided legislation. As I said earlier, the most contentious section of this bill would confer an immediate and unprecedented designation on a segment of the Niobrara River, which flows through my district.

I'm very much a proponent of allowing a Member to do what is best for his district; therefore, my amendment doesn't deal with the recreational river designations, and a recreation area study in Mr. BEREUTER's district. I have also left a national park study proposal in my amendment, advocated by the gentleman from Nebraska, although, it too is in my district.

It's interesting that there are so many study proposals in S. 248, which recognize the need for careful review before rushing blindly into Federal designation of so much private land.

In fact, S. 248 includes a study of 6 miles of the Niobrara River in my district, right in the middle of the 70-mile segment it tries to immediately designate.

There is about as much logic in studying only a 6-mile segment of the river as there is in the arbitrary selection of 70 miles for immediate and unprecedented designation.

In any case, administration officials have repeatedly testified that no formal, indepth study has been performed on the river. These officials have also testified, that unless the bill is amended to include a study, they will recommend the bill be vetoed.

In addition to circumventing current law, S. 248 ignores that a majority of Nebraskans oppose Federal control of the Niobrara River. In the most recent poll of the issue, conducted in June 1990, 78 percent of Nebraskans polled statewide, said the Federal Government shouldn't manage the river.

Sixty-three percent preferred a study, as I propose in this amendment today, when given a choice between instant designation and a feasibility study of the Niobrara.

All Nebraskans agree that the river is a beautiful river. I have canoed it many times with my wife. Everyone wants to see it protected, but the fact of the matter is, the river is in no danger. The customary, 3-year study, proposed by my amendment, isn't going to mean the difference between the life and death of this river.

The people living on this river have no reason to wreck it, because many of them make their living from land along the Niobrara. Many of these people live on land that has been in their families for generations. In addition, State officials have said the river is in better shape now than it was 50 years ago.

All environmental groups seem to agree that the Niobrara River is a pristine river, and that it is in good shape. Quoting from one of the letters circulated on this issue, "The Niobrara is indisputably one of the finest, largely undeveloped and unspoiled river areas remaining in the U.S. central plains."

Three years, after more than 100 years of careful stewardship by local residents, is not going to mean the end of a beautiful river, in the heart of my district.

Please support current law, fair play, and more than three-fourths of the people in my State who oppose immediate designation of the Niobrara, by supporting my amendment to S. 248.

□ 1520

Mr. VENTO. Mr. Chairman, I rise in opposition to the Barrett amendment. The House rejected it on a vote of 115 to 302 last year when it was offered by

Mr. BARRETT's predecessor. This amendment begs the question.

Opponents of designating the Niobrara Scenic River have taken to calling this instant designation. Well, 25 years is anything but an instant but that is exactly how far back proposals to designate the Niobrara River go. The gentleman would have us believe as his predecessor before him that designation just came up and is now suddenly being thrust upon the area. The fact of the matter is Federal and State agencies have inventoried and studied this river for many years and reported on its outstanding resource values.

Local landowners petitioned their elected Representatives in 1980 for scenic river designation and legislation has been pending before the Congress since 1985. Scenic river designation for the Niobrara is neither new, unknown, or unheard of.

Let me also set the record straight. Contrary to the assertion of opponents, a formal wild and scenic river study is not a prerequisite for designation. Very few rivers have undergone the type of study the gentleman proposes. In fact, of the 122 rivers nationwide that are components of the National Wild and Scenic Rivers System, over one-third have never undergone a section 4(a) and section 5(a) wild and scenic rivers study and seven rivers have been designated by the Secretary of the Interior administratively upon application by the State Governor. More information is known and available on the Niobrara than on some of the prominent wild and scenic rivers in the country and its designation would violate no law, policy or practice.

So we have to ask ourselves, why another study? Don't be misled, many opponents of scenic river designation are hiding behind a call for another study of the Niobrara River. In reality they oppose designation under any circumstances. In testimony before the Interior Committee key opponents testified that even if another study recommended designation they would oppose such action.

There is no doubt in my mind that opponents intend to use the study to delay in the hope of permanently defeating designation. While I respect Mr. BARRETT's advocacy of this matter, I strongly disagree with his views. Another study won't change the simple fact that the Niobrara possesses outstanding resource values that merit protection. Rather than engaging in further study and delay, I believe efforts would be better spent implementing a mutually beneficial management partnership among local landowners, State and local governments and the Federal Government, as provided for in the Wild and Scenic Rivers Act and this legislation. The growth of the Wild and Scenic Rivers System has been slow, almost at a snail's pace, while Congress postpones and delays decisions. The very values the river resources embrace are at risk of being degraded.

I urge rejection of the Barrett amendment and ask Members to designate an exemplary river resource the Niobrara as a wild and scenic river.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of the amendment in the nature of a substitute.

Mr. Speaker, my fellow colleagues, I want to compliment the gentleman from Nebraska [Mr. BARRETT] who represents this district for his outstanding work representing his people, his people. Mr. Speaker, I say, "They are not Mr. BEREUTER's people, not Mr. VENTO's people, not Mr. HOAGLAND's people, not the gentleman from Michigan's people, but his people."

As I said last year, and I will say time and time again, this is supposed to be the House of Representatives, and we should listen to that individual. His amendment does not ask for much. This river is not threatened. He is asking to follow the current law, and that is all he is asking for.

I have asked the gentleman from Minnesota and the gentleman from Nebraska. Both of them say, "What's the urgent rush?" They say, "They might build a dam." Forget it. This Congress put the kibosh on dams many, many years ago.

If Nebraska wishes, and they say the polls wish, to say it will be a wild and scenic river, then Nebraska should do it. Why is the great State of Nebraska looking for Big Brother to solve their problems? If they do not have wild and scenic statutes on the books, then I suggest they go to their State legislative body and see if they really have the support of people to do so.

Now everybody agrees this is a beautiful river. The gentleman from the area of dispute says it is a beautiful river. It has been protected. It is not threatened. The people are not increasing there. There are no space needles or condominiums. There is nothing there that people that own the land along the river have not taken care of it.

Now notice I said the people that own the land. This to my knowledge is the first time we have ever in this body set aside a river that is owned privately over 90 percent and, in basically doing so, condemning their land without compensation.

I am asking my colleagues on this side to support the amendment of the gentleman from Nebraska [Mr. BARRETT] and, yes, on this side, although I doubt it because they are in the pocket and the hand of those special interest groups that care little of the private individuals, but the masses. The masses are all-important, not the individual or the rights of the individual.

However, Mr. Speaker, if the amendment of the gentleman from Nebraska [Mr. BARRETT] fails, I have an amendment that will at least make this a little more palatable. The same amendment was offered by the chairman of the subcommittee for a section of his river, on the Mississippi in Minnesota, that at least says, if the private landowner does not change the style in which he has been using the land, it shall not be condemned. Only in the case where they were to build something that was unusual or different that would distract from the beauty of that river could it be condemned. I offered it in committee, and it was rejected because of the puritans, those that believe again in the masses. The private sector, the private landholder, says, "Oh no. This would destroy the bill." In fact it will require a conference. We would have to take it back to that other body, and we are not supposed to talk about the other body or those that serve in the other body, but I have heard that all day today, that the two great Senators on the other side of the aisle voted for this last year, and they are the sponsors of the bill.

This is the body of the people, the House of Representatives, and that gentleman represents his constituents. He is the one who should be listened to. If my amendment or his amendment is not adopted, we have precluded the voices of his people from being heard, as they should be heard in this body as a whole.

I say to my colleagues because of the fifth amendment that, if this bill becomes law or is sent to the President's desk to become law, he will be urged to veto it, and if he does not veto it, shame on him, and, when he does veto it, we ought to have the support to sustain that veto, and that I am asking for. But taking the worst-case scenario, I am urging those land holders to take this to court, to court, and take and work the fifth amendment, and make sure that this Congress stops taking private land holdings without compensation.

Mr. Speaker, I say to my colleagues, "If you believe in America, if you believe in the individual, this side especially, you will support the amendment of the gentleman from Nebraska [Mr. BARRETT]."

□ 1530

Mr. Chairman, I ask the Members to keep that in mind when this vote is asked for. We should vote for right, we should vote for justice, we should vote for the amendment offered by the gentleman from Nebraska [Mr. BARRETT].

Mr. HOAGLAND. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Alaska [Mr. YOUNG] began his remarks by complimenting the work of the new Member from the Third District of Nebraska, the gentleman from Nebraska

[Mr. BARRETT], for representing his people. Let me begin by complimenting the work of our two U.S. Senators and our Governor for well representing the people that they represent, including the folks in the district of the gentleman from Nebraska [Mr. BARRETT] and those in the district of the gentleman from Nebraska [Mr. BEREUTER] whose rivers and whose land are affected by this legislation.

As the subcommittee chairman, the gentleman from Minnesota [Mr. VENTO] has indicated, this amendment has been previously presented, and it lost previously. It lost by a 2-to-1 margin this year in the Committee on Interior and Insular Affairs. It lost on the floor of the House by a 3-to-1 margin last year. Prior to that, it lost last year in the Committee on Interior and Insular Affairs. So this will be the fourth time at least that this amendment has been debated and voted upon by the full committee, by the House and by this Committee on Interior and Insular Affairs, and once again I urge its defeat.

There have been many, many studies. I have a two-page list of studies which I will, Mr. Chairman, by unanimous consent make a part of the record following these remarks. This two-page list of studies was prepared by one of the conservation groups, and it shows studies in 1963, 1971, 1972 through 1981, 1978, 1980, 1981, 1982, 1986, and 1988. There is a detailed description here of what each of these studies showed.

The important point is that there is no argument that the fundamental resources of this river are not worth protecting. Nobody quarrels with the fact that this is an absolutely unique resource here that needs protecting. We are simply quibbling over procedures.

I think it is that quibbling that caused the National Park Service to testify before the subcommittee a month or two ago that they wanted the study, because that is the way this act ought to be applied. Essentially this Park Service individual indicated it was for bureaucratic reasons. Now, the problem with giving the Park Service a study for bureaucratic reasons is that there is really no point for further studies because there is no argument about the values of this river.

Mr. Chairman, let us save the money, let us save the time and the anguish, and let us put an end to the divisiveness of this issue in Nebraska and pass this bill. Our local newspaper, the Omaha World Herald, has said that the time for study is over and the time for decision is now. It is clear at this stage that a vote for a study is simply an anti-protection vote, and it is a vote to do nothing. We know all we need to know. Let us defeat this amendment and pass the bill.

Mr. Chairman, the list of studies to which I referred is included as follows:

STUDIES CONDUCTED ON THE NIOBRARA RIVER

Federal and State government agencies as well as universities have been studying the Niobrara intensely for more than 25 years.

1963—The Departments of Agriculture and Interior (Bureau of Outdoor Recreation, Bureau of Sport Fisheries and Wildlife, National Park Service, U.S. Forest Service) studied 185 miles from U.S. Highway 83 to Nebraska Highway 87 and found that the river meets all criteria with excellent quality for the proposed Wild and Scenic Rivers bill. Excellent camping, hiking, nature study and fossil hunting, good hunting and sightseeing opportunities acknowledged. (24 pages.)

1971—Report on the Framework Study by the Nebraska Soil and Water Conservation Commission. It identifies sections of eight Nebraska rivers including Niobrara which should be considered or evaluated for inclusion in the Wild and Scenic Rivers system. (Pages 99–100.)

1972–1981—The Department of the Interior commissioned an extensive study of the Niobrara River valley's natural resources in preparation of a Draft Environmental Impact Statement and supplements for the proposed Norden Dam/O'Neill Unit Reclamation Project. The studies and reports evaluate the nature of the wildlife habitat, the plant and animal life of the Niobrara River Valley. Geologic stability, hydrology, ground water quality and other issues are also studies as part of the documents. (Approximately 300 pages.)

1978—The U.S. Fish and Wildlife Service proposed that an area along the Niobrara River roughly within the 76-mile corridor be designated a critical habitat for the endangered whooping crane. The Service also manages the Forth Niobrara Wildlife Refuge which encompasses the first nine miles of the 76-mile corridor. Supportive information published in the Federal Register.

1980—Dr. T.A. Harrison of the University of Nebraska-Lincoln School of Life Sciences published a report on the Niobrara titled, The Niobrara Valley Preserve: Its Biogeographic Importance and Description of its Biotic Communities. The report was done for The Nature Conservancy before they purchased the land to create their 52,000 acre preserve. It describes the major ecosystems of the Niobrara Valley and lists the common and unusual plant and animal species. It describes the concept of a biological crossroads or overlapping of major ecosystems in the valley. (110 pages plus appendices.)

1981—The Nebraska Policy Issue Study on Instream Flows, a report of the Instream Flows Study Task Force, lists natural free-flowing rivers in Nebraska and highlights seven rivers, including the Niobrara, with the highest rating as potential Wild and Scenic Rivers. The study highlights rivers with greatest value for wildlife (the Niobrara is one of the three highest rated rivers). Reports a flow regime designed to maintain the whooping crane habitat on the Niobrara. (103 pages.)

1981—Niobrara River Whooping Crane Habitat Study prepared for Water and Power Resources Service and prepared by Environmental Research & Technology, Inc. to study the potential effects of the construction and operation for the proposed Norden Dam. The study found that whooping crane habitat would be reduced as a consequence of decreased water releases from the dam.

1982—The National Park Service in its Nationwide Rivers Inventory underscored the exceptional qualifications of 194 miles of the Niobrara as a candidate for wild and scenic designation specifying that it had "outstandingly remarkable values" in all seven categories: scenic, recreational, geological, fish, wildlife, historic, and cultural. Only one other river segment of the approximately 293 evaluated in a ten-state area rated as highly as the Niobrara. The NPS also cited the U.S. Fish and Wildlife Service's identification of the Niobrara as a "highest priority" fish resource. (300 pages.)

1986—The Niobrara River: A Proposal for Scenic River Designation. The Nebraska Natural Resources Commission published an extensive study of Senator Exon's original wild and scenic river proposal introduced in 1985. A series of local meetings were held to discuss the proposal and alternatives. A survey of landowner opinions was also commissioned and published. (The Report is 28 pages.)

1988—The Botanical Review, published by the New York Botanical Garden, study of the Niobrara River Valley, A Post-Glacial Migration Corridor and Refugium of Forest Plants and Animals in the Grasslands of Central North America by Kaul, Kantak and Churchill. This report examines a number of plant and animal species which are disjunct or isolated populations in the Niobrara Valley east of Valentine. Establishes the unique biological nature of the Niobrara Valley.

An array of other reports prepared by the University of Nebraska's Museum of Natural History and the Nebraska Game and Parks Department on biological resources and paleontological studies is also available.

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me just say that I greatly respect the two gentlemen from Nebraska who are supporting S. 248, but I must say that 90 percent or more of this river lies in the district represented by the gentleman from Nebraska [Mr. BARRETT]. A little bit of it, I understand, lies in the district of the gentleman from Nebraska [Mr. BEREUTER], but 90 percent of that river lies in Mr. BARRETT's district.

As far as the comment about several studies having been done, I would just remind the Members that none of these studies, I am informed, are complete studies, the kind of studies that the National Park Service would be doing. We are not quibbling over procedure here. What we are quibbling over is, No. 1, the right of a Member of this body to represent his district, and, No. 2, the property rights of the people who live and vote in the district represented by the gentleman from Nebraska [Mr. BARRETT]. Property rights are what we are talking about here.

Mr. Chairman, S. 248 will effectively penalize private citizens, private American citizens, by taking more of their land away. Two hundred fifty three miles of the Niobrara River are already under Federal control, but Members of this Congress are so greedy that they are hungry for more. Forget private property rights, forget the fact that Uncle Sam already oversees much of the Western half of the United States, forget the fact that the communities and counties on the river have adopted resolutions opposing this bill. The Committee on Interior and Insular Af-

fairs has not completed the important studies which would answer what this designation would do to the life styles of those living along this river. In their haste to take away private property rights, the Members of this body would simply sidestep these important studies, and in their arrogance they forget that it was private property owners who made this Nation great. In their haughtiness they choose to believe that the Federal Government and this body are the best and only suitable managers for resources of national significance, which is something that fails to be true time and time again.

The National Park Service has yet to complete a river management plan for the nearby Missouri River, even though it received its wild and scenic designation some 13 years ago. The Niobrara River is not threatened by potential development or other adverse uses. This bill simply adds more miles to the already overregulated and underfunded Wild and Scenic Rivers System.

All the gentleman from Nebraska [Mr. BARRETT] is asking from this body is to do a definitive study, the kind of study that the National Park Service wants done or is capable of doing, before we start talking about taking away the private property rights of the owners of property along the Niobrara River.

Mr. Chairman, I urge my colleagues to support the amendment offered by the gentleman from Nebraska [Mr. BARRETT] at the very least, and give him an opportunity to represent his constituents.

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

Mr. DELAY. I am glad to yield to the gentleman from Nebraska, who is trying to represent his constituents.

Mr. BARRETT. Mr. Chairman, I thank the gentleman for yielding.

I feel compelled to perhaps correct a couple of things that have been said. I would do this to correct the record, if I might, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas has yielded to the gentleman from Nebraska.

Mr. BARRETT. Mr. Chairman, the 1994, which was referred to, was not done by a water resource group. I believe it was done by the Wirthlin Group, which happened to be President Reagan's pollster, if I am not mistaken, and I would like the record to so reflect.

If anyone thinks that perhaps the poll is biased, they might like to see the poll which was done. I sent out a "Dear Colleague" this morning. Both of the questions are on the reverse side. Members should have received it in their offices today.

Mr. Chairman, finally, this is not a debate about the Norden Dam, as far as I am concerned. I was not here at that time. I have no interest in the Norden Dam. I will offer language, if necessary, to ensure that the study is not a back door approach to anything resembling the Norden Dam.

Mr. Chairman, I thank the gentleman from Texas for yielding.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the Committee on Interior and Insular Affairs in its report appropriately recognized that "the Niobrara is vulnerable to developments and degradation that can alter the outstanding resource values of the river that are recognized by all."

As my colleague, the gentleman from Nebraska [Mr. HOAGLAND] has pointed out, and as the chairman of the subcommittee has pointed out, this is one of the most studied rivers in the United States of America. It is among the first rivers suggested for study and designation under the Wild and Scenic Rivers Act. Nothing additional is going to be learned which will jeopardize designation of this river under a wild or scenic or recreation river status, and in the case of the controversial 70- or 76-mile stretch, it clearly qualifies in all aspects for scenic river designation.

I think it deserves the protection of the Wild and Scenic Rivers Act, and the will of the great majority of Nebraskans in all parts of the Cornhusker State have been thwarted far too long. If I did not believe that the majority of the people in the Third Congressional District supported the protection of the river, including protection by a scenic river designation under the Wild and Scenic Rivers Act, I would not be supportive of that portion of this legislation, but I am convinced that they do support it.

The poll that my dear colleague, the gentleman from Nebraska [Mr. BARRETT], referred to was indeed conducted by the Wirthlin organization, but it was, as I understand it, largely financed, if not exclusively financed, by the Nebraska Water Resources Administration.

□ 1540

Unfortunately, in polls, you get what you pay for to some extent, depending on the polling outfit. When you ask the questions to get the results that you want to justify your position of opposition, as the Nebraska Water Resources Administration did, then the results have to be discounted.

I would like to say to Members, we have heard the figure 90 percent of this land is private land. Well, that may or may not be the case, but it certainly would be distorting to leave that stand as it is, because the largest single landowner, by far, controlling 52,000 acres in this area, including riverfront, in some cases on both sides of the river, is the Nature Conservancy. If you count them in, of course it is 90 percent.

But who among us could really call the Nature Conservancy a private landowner? It is quasipublic in its actions and in its organization. So I think the 90-percent figure has to be dealt with directly.

Finally, I would like to say on the matter of eminent domain, there are protections of the Wild and Scenic River Act, but this act, in response to concerns, has limited the maximum amount of land interest that can be controlled to 5 percent of the area, and 2 percent of the area for fee simple purchase under possible condemnation.

So this legislation has been constructed to be extraordinarily sympathetic in concern to private landowners' rights. It has restricted eminent domain to the barest possible minimum, far more than the average Wild and Scenic River Act.

Mr. Chairman, I urge Members to reject the amendment of the gentleman from Nebraska [Mr. BARRETT].

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

Mr. Chairman, I am a strong proponent of the Wild and Scenic River System. As a matter of fact, when I served in the California Legislature it was my bill that created the Wild and Scenic River System for the State of California. I have supported many of the proposals that have come before this body, including some of my own, but I just think that the procedure here is wrong.

The chairman of the subcommittee made the statement that some of the opponents of this legislation would oppose the results of any study, even if a further study were to be made. I would like to ask the gentleman from Nebraska [Mr. BARRETT], who represents this district, what his views would be should a study come back on this, if his amendment were adopted, and it was recommended there be Federal management.

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

Mr. LAGOMARSINO. I yield to the gentleman from Nebraska.

Mr. BARRETT. Mr. Chairman, following a study, which would, according to my amendment, take a maximum—a maximum—of three years, based on the results of that study, and because my constituents would have had ample and more time for input into the question, I would stand by the results of the study at that time.

Mr. LAGOMARSINO. Mr. Chairman, reclaiming my time, I would like to point out also for Members that the amendment before us is not the same as the amendment we had last year. There are substantial differences.

For example, one thing it does is to designate wild and scenic river designation in the district of the gentleman from Nebraska [Mr. BEREUTER]. It also calls for a study of the entire river in the district of the gentleman

from Nebraska [Mr. BEREUTER], as well as a study of the national park and national recreational area, which was not included at all in Mrs. Smith's amendment of a year ago.

Further, this amendment would protect the river during the time of the study against any adverse development. As a matter of fact, interestingly enough and ironically enough, it would not allow a water resources project that is included in S. 248 on page 4 of the bill, if anybody would like to look at that.

Mr. Chairman, I would like to reiterate what the gentleman from Nebraska [Mr. BARRETT], in whose district this is, said earlier about the view of the administration, pointing out that with regard to this kind of wild and scenic designation, particularly with as much private property as there is, it is not appropriate to go forward.

Mr. Chairman, there have been various kinds of studies, but not the kind we are talking about here, to answer the kinds of questions like the specific boundaries needed to protect the resources of the river corridor, any restrictions on development or land use practices within the river corridor which are considered necessary to protect the river, identification of all facilities and access points which are necessary to support recreational use, a detailed recreational use plan, and so on, as well as what the costs will be.

Mr. Chairman, we do not know that. In these days of accelerating costs and accelerating Federal budget deficits, I think it is well to know these things before we get into them.

Mr. Chairman, it seems to me that the amendment offered by the gentleman from Nebraska makes an eminent lot of sense. It really does. I think we should adopt it. It is not going to cause any damage to the river, it is not going to provide any threat to the river during the time of the study, and, as I said, it would provide for instant designation of the portion of the river in the district of the gentleman from Nebraska [Mr. BEREUTER].

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Nebraska [Mr. BARRETT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. VENTO. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The Chair will announce this is a regular quorum call followed by a 5-minute vote.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 86]

Abercrombie
Ackerman
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Carper
Carr
Chandler
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Franks (CT)
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1607

The CHAIRMAN. Three hundred ninety-five Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Minnesota [Mr. VENTO] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The vote will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 109, noes 293, not voting 28, as follows:

[Roll No. 87]

AYES—109

Allard
Anderson
Archer
Armey
Baker
Ballenger
Barrett
Bateman
Bentley
Bevill
Bliley
Boehner
Bunning
Burton
Callahan
Camp
Campbell (CO)
Clinger
Coleman (MO)
Combest
Crane
Cunningham
Dannemeyer
Davis
DeLay
Doolittle
Dorgan (ND)
Dornan (CA)
Duncan
Edwards (OK)
Emerson
English
Fields
Franks (CT)
Gallegly
Gekas
Gingrich
Gonzalez
Goodling
Gradison
Grandy
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Houghton
Hunter
Hyde
Inhofe
Johnson (CT)
Klug
Kolbe
Kyl

Lagomarsino
Lent
Lewis (CA)
Lightfoot
Livingston
Lowery (CA)
Martin
McCandless
McEwen
Michel
Molinari
Montgomery
Myers
Nichols
Nussle
Olin
Orton
Oxley
Packard
Parker
Quillen
Rhodes
Riggs
Roberts
Rogers
Rohrabacher
Santorum
Schaefer
Schiff
Schulze
Shaw
Shuster
Skeen
Skelton
Slaughter (VA)
Smith (OR)
Solomon
Stearns
Stenholm
Stump
Tauzin
Taylor (NC)
Thomas (WY)
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Weber
Wolf
Young (AK)
Zeliff

NOES—293

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Bereuter
Berman
Bilbray
Bilirakis
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Byron
Campbell (CA)
Carper
Carr
Chandler
Clay
Clement
Coble
Coleman (TX)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Dreier
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Gallo
Gaydos
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gordon
Goss
Gray
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Levin (MI)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Price
Pursell
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Rinaldo
Ritter
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vento
Walsh
Waters
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)
Zimmer

NOT VOTING—28

Alexander
Anthony
Barton
Boxer
Bustamante
Cardin
Chapman
Collins (IL)
Dickinson
Dymally
Ford (TN)
Frost
Geren
Hatcher
Holloway
Hopkins
Kaptur
Lehman (CA)
Lehman (FL)
Levine (CA)
Marlenee
McCrery
Mfume
Miller (OH)
Mrazek
Pickle
Ridge
Washington

□ 1616

The Clerk announced the following pairs:

On this vote:

Mr. Barton of Texas for, with Mr. Geren of Texas against.

Mr. Marlenee for, with Mr. Lehman of Florida against.

Mr. BREWSTER changed his vote from "aye" to "no."

Mr. VISCLOSKY changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Alaska: Strike Section 4 in its entirety and insert in lieu thereof the following:

SEC. 4. LIMITATION ON CERTAIN ACQUISITIONS.

LIMITATION.—Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire by condemnation privately owned land or interest in land within the authorized boundaries of a component of the national wild and scenic river system designated by sections 2 or 3 of this Act, unless the Secretary finds—

1. that the use of the land has changed substantially after the effective date of a development plan for that component of the wild and scenic river system prepared pursuant to section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)); and

2. that the acquisition of the land or interest in land is necessary to assure its use for purposes consistent with that Act.

Mr. YOUNG of Alaska (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. PANETTA). Is there objection to the request of the gentleman from Alaska?

There was no objection.

□ 1620

Mr. YOUNG of Alaska. Mr. Chairman, I will not take much time of the body. I am sure that will make everybody happy.

If you voted no on the amendment of the gentleman from Nebraska [Mr. BARRETT], you should at least vote yes on this amendment. It does nothing to change the designation of the river. It is still wild and scenic. The river is protected. Your purist environmental record will be protected. You have nothing to lose. You have everything to gain. You can be on the side of justice and on the side of those individual private landholders that if you do not vote for this amendment, their rights will be taken away from them.

My amendment in fact was drafted by the good chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO] to protect river property owners in this district. The law went into effect in 1988. All it says is that the private property owners will not have their lands condemned by "Big Brother" unless they radically change the way they have been managing these lands.

Remember, the Niobrara River lands are private.

Mr. Chairman, may I repeat that this does not change the designation of wild and scenic. It protects the Niobrara River, but it protects the rights of those individuals who own private lands. It does not allow them to put up space needles or theme parks or condominiums. If they do so, they can be condemned.

Now, the gentleman from Minnesota will say that his provision applied to only a recreational river. If that is the case, then he should accept the fact we should have made the Niobrara a recreational river. The principle is still there. Private landholders must maintain the way their land has been operated in the past. They cannot change that, and if they do so, they will be condemned.

Under the bill if it is passed right now, if Big Brother, Mr. Park Ranger says, "Mr. Farmer, your cows have more black than white. If your cows have more black than white, you are offensive to the eye; thus you must remove your cows."

"We have a $250,000 study to find out whether they are expelling methane gas. It is offensive to those who paddle their canoes because of the possibility of running into that gas. You must remove your cows."

"Mr. Farmer, you can't take and paint your barn red because it is offensive to my eye. I think you must paint it green."

"Mr. Farmer, you don't dare plow the land within a quarter mile of their river because it destroys the wild and scenic value of the land and your land is being taken from you."

The gentleman from Minnesota and I are at odds on this one. I hope he will see the wisdom of accepting his own amendment to this bill.

I will tell you what I will do. If he accepts the amendment, I will not ask for a rollcall vote. I will tell you what I will do when final passage comes. I will vote for the bill because my role here is to protect the individual, the rights of the individual, not the masses, not the polls that were taken. I do not care if the polls are 90 percent or 10 percent of the private land. This Big Brother government has no right to take that land without compensation, and that is what we are doing.

I say wake up, America. Wake up or we are losing America. We are losing our States' rights. We are losing our individual rights. We are letting this body and the U.S. Government do to us that which we wish was not done to us.

Mr. Chairman, I say respectfully, accept this amendment and those who voted no on the Barrett amendment, vote yes on this. Let your conscience be clear. Protect that one farmer. Protect the individual. Forget listening to those interest groups who say we must protect the environment at all costs. Even the farmer agrees with protecting the environment. He does not want, though, his lands condemned by action of this body.

Vote for the amendment. Do what is right. Let us do what is correct for this body.

Mr. VENTO. Mr. Chairman, I rise in opposition to the Young of Alaska amendment. All Federal land agencies have condemnation authority in varying degrees and under different circumstances. The condemnation authority in the Wild and Scenic Rivers Act, the basic law, is already more restrictive than that found in many conservation laws. The act limits the amount of land that can be acquired by any means in fee to less than one-third of the total acreage. Further, condemnation in fee can only be used where there is less than 50 percent Federal, State, and local public ownership of the river corridor. Perhaps most significantly, condemnation authority is suspended in those communities which have in force a duly adopted, valid zoning ordinance that conforms to the purposes of the Wild and Scenic Rivers Act. While the act does allow condemnation of easements it also specifically stipulates that easements cannot restrict current uses of the property without the owner's consent. The House recognized this reasonable policy when it voted 93 to 323 last year to reject the Young amendment. Subsequent to that vote further negotiations were held with the Senate and a compromise was developed that places further limitations on the Federal Government's authority to acquire land. That compromise is embodied in the legislation before the House today.

The Young amendment has more holes than Swiss cheese and its acceptance would be a land speculator's dream. First, the Young amendment grandfathers in all land uses for the 3-year period following designation while the general management plan for the river is developed. This is a hole you could drive a bulldozer through as developers and speculators play a game of beat the clock to get their projects underway before the general management plan is appoved.

Second, the amendment puts the Federal Government in a perpetual Manassas-type situation. Under the Young amendment a substantial change in use of the land has to occur before the Secretary can act. We would constantly be dealing with adverse developments after the fact and be forced to try and undo the damage already done.

Mr. YOUNG and others have taken to saying what they are proposing is no different than that provided in law for the Mississippi National River and Recreation Area. Let me set the record straight. There are substantial material differences in this legislation and that law. Their comparison is one of apples and oranges. The Mississippi is not a wild and scenic river and as such is not bound by the size and acquisition limitations of the Wild and Scenic Rivers Act, nor the numerical limitations on condemnation provided for in S. 248. There are more varied and comprehensive mechanisms for the protection of the Mississippi National River and Recreation Area than for the Niobrara. These include a Federal consistency requirement, a State critical areas act designation and comprehensive county and city zoning. What Mr. YOUNG and others do not tell you is that the limitation on the Secretary of the Interior's authority to acquire land within the boundaries of the Mississippi National River and Recreation Area only applies to uses exercised prior to the designation of the Mississippi National River and Recreation Area and that such uses must be consistent with the general management plan for this park unit. Like S. 248, the law designating the Mississippi National River and Recreation Area provides for local enforcement as the first means of protecting resource values but it backs that up if that fails with the limited necessary tools to assure the preservation of these riverine resources.

It is certainly ironic that the gentleman from Alaska and many opponents of S. 248 supported construction of the Norden Dam which would have condemned and flooded four times the amount of land along the Niobrara than could ever be acquired by the Federal Government under S. 248. Those family farms the gentleman now says he wants to protect would now be under water if the gentleman and others had succeeded in their past efforts to construct the Norden Dam.

The Young amendment is an ill conceived amendment that would make the Niobrara a scenic river in name only. This would amount to telling the Federal land agencies to do a job and then not giving them the tools to do it. It is not the farmers and ranchers along the Niobrara who need fear condemnation. Contrary to what the gentleman would have you believe homes have been built and lands are farmed in designated scenic river corridors where there is private ownership.

I would hope the house would reject this unworkable amendment and reaffirm the reasonable public policy provided for by S. 248 and the Wild and Scenic Rivers Act.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the requisite number of words, and I would like to ask the gentleman from Minnesota, on my time, a question.

I am not privileged to serve on the Committee on Interior and Insular Affairs. I am a little behind the curve, so to speak, on the scenic rivers or wildlife—what is that term? Scenic rivers?

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

Mr. DANNEMEYER. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, the term is wild and scenic rivers.

Mr. DANNEMEYER. I would like to ask the gentleman a question: Is there a river in America that is not on the drawing board to be designated a scenic river by the environmental party, any river?

Mr. VENTO. If the gentleman would yield?

Mr. DANNEMEYER. Yes.

Mr. VENTO. Of course, there are many, many rivers that do not qualify for wild and scenic river designation.

Mr. DANNEMEYER. How about the Hudson River flowing through Manhattan, can we declare that a scenic wildlife river?

Mr. VENTO. I do not think that that would have the qualities that would qualify it. It is possible——

Mr. DANNEMEYER. There are good people living by there.

Mr. VENTO. Well, if the gentleman would yield further, there have been a number of instances where, outside the Wild and Scenic River Act, in urban areas, where we have designated recreation areas.

Mr. DANNEMEYER. The Santa Ana River runs through my district, it is dry most of the year except at flood time. Can we declare that to be a scenic and wildlife river?

Mr. VENTO. That would not qualify, because it has to have a certain amount of flowage in order to qualify.

Mr. DANNEMEYER. But it has the nesting ground for the least bells vireo. Does that not qualify it as a wild and scenic river?

Mr. VENTO. If the gentleman would yield further, that is not. What we are looking at—that is a remarkable quality, having that particular—dealing with that type of threatened or endangered species, but that alone would not qualify it as a wild and scenic river. It would not qualify as there is not a flowage of a certain amount year-round in terms of the river.

Mr. DANNEMEYER. How many rivers have been designated as scenic or wildlife, all or a portion, in the last 10 years, for instance?

Mr. VENTO. If the gentleman would yield further, I can give the gentleman the figure for the last 25 years, since the conception of the act. There have been 122. In the last 10 years there have not been that great a number. In fact, it has greatly slowed down.

One of the concerns is that we are proceeding at a snail's pace. As the gentleman might imagine, most development in this Nation has taken place around river corridors. So those riverine and riparian resources are under the most stress and need to have more attention than they have. That is why I am so pleased to bring this bill to the House today and ask the Members to support it.

Mr. DANNEMEYER. Mr. Chairman, I would just like to say that I support the amendment offered by my colleague from Alaska, Mr. YOUNG. I am like a lot of Members here, I am not on the Interior Committee, I have not followed the whole debate. But what I have noticed over the 12 years that I have been privileged to serve here is that the environmental party is in each Congress to designate a particular Member's district for acquisition and take property and put it into the public sector under a cloud of whether or not there is compensation. I guess in this Congress the stuckee district is the one represented by our colleague from Nebraska. We kind of saved him from the folks in the last Congress, and I hope we can do the same in this Congress. I think the Members who represent a district ought to have something to say. I mean we should recognize that we are being picked off year by year, district by district. And I guess it is whose ox is being gored.

Maybe we ought to organize and protect our interests; otherwise if we play the alligator game, that we are each going to be the last one eaten, then there may be nobody left to protest the last one being eaten.

Mr. VENTO. If the gentleman would yield further, the gentleman has asked me a question about the number of rivers designated in the last 10 years. I would just point out to the gentleman that less than one-half of 1 percent of the rivers in the United States have been designated wild and scenic rivers. So there is a lot more work to be done. I appreciate the gentleman's interest.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I will be very brief, but I would like to have your attention.

Some of you may make light of this legislation. For Nebraskans, it is very important.

I rise in opposition to the gentleman's amendment because the issue of land condemnation is a red herring. The generic legislation, the Wild and Scenic Rivers Act, has very specific limitations on the use of eminent domain or the condemnation of private property. It specifies that no more than one-third of the acreage within a river corridor can be condemned. It also provides that once 50 percent of the acreage within a river corridor is within public ownership, no land may be acquired through condemnation.

But we have gone the extra mile in trying to accommodate the landowners in the Niobrara River Valley.

In this legislation, we have further refined and very sharply limited any potential for eminent domain, in order to accommodate landowners' concern. Instead of being 50 percent or 33 percent, it says that no more than 5 percent of the land in an area may be purchased, any kind of interest whatsoever, including scenic easement, and no more than 2 percent of the total land in this area can be condemned or purchased by any means in fee simple, 2 percent.

Now, what the gentleman is proposing, therefore, is a dramatic deescalation of what could be done in future wild and scenic river legislation.

The gentleman is very shrewd in taking what the chairman perhaps once offered with respect to a recreation river, but this is a scenic river legislation, and we have gone the extra mile. I would like to say to my colleague from California that he and I also belong to the environmental party, the party of Teddy Roosevelt. And we have not designated more than one-half of 1 percent of the rivers, substantial river bodies in this country, as scenic, wild, or recreation rivers; we certainly have not been excessive.

This legislation is important to the State of Nebraska. We have gone the extra mile in limiting the condemnation. I urge rejection of the Young amendment.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to be recognized in strong support of the amendment offered by the gentleman from Alaska because I believe that it is a substantial improvement over the existing language worked out in a compromise among bill proponents. The real question is should Mr. BARRETT's constituents receive less protection than Mr. VENTO's?

There are two problems with the existing language limiting condemnation.

First, the percentage limitations are totally arbitrary and therefore I believe they will be easily dismissed by the administering agency; second, the limitations are rendered totally ineffective by the language in section 4(b) which authorizes the Secretary to ignore the limitations if he finds the river is not being adequately protected.

In order to examine what this exemption really means, I suggest we take a look at a case study of another river managed by the NPS. The St. Croix River in Wisconsin and Minnesota was established as a unit of the National Park System in 1972. In the current St. Croix statement, NPS lists the following uses which would trigger land acquisition, including condemnation:

First, expansion of existing or proposals for new marinas; second, construction of launch ramps designed for anything larger than carry-in fishing boats; third, any residential or commercial development which is within line of sight of the river; fourth, any stream bank control devices; fifth, any use which would require a variance of any zoning regulation; and sixth, construction of bridges, pipelines, or power transmission lines.

I might point out that construction of bridges is specifically authorized in section 13(g) of the Wild and Scenic Rivers Act.

In the general management plan for the park, the NPS goes a step further and states:

> In sections where only a few scattered residential buildings intrude on the natural scene, restoration of the primitive setting is justified by acquisition of the property rights necessary to remove, in time, all existing developments.

In other words what the "Secretary," in the person of the local superintendent, has found to be incompatible with the preservation goals at the St. Croix River is virtually every activity, including even land uses which existed prior to designation of the river. This example of land acquisition is especially relevant since the legislative history of that river shows clearly that its authors also intended to place strict limitations on the taking of any residential property. In fact during debate on the bill Senator Nelson stated that:

> It is not the committee's intent to take any residences away from homeowners, except in isolated cases of public access sites.

Today we find a total breach of faith with that original legislative intent. The NPS has in fact acquired hundreds of private, improved properties. As of

June 1990, there were 53 tracts of private land under condemnation at St. Croix. I would also point out that the St. Croix is not an isolated wilderness river, in fact, 90% of the river miles are classified as "scenic" the same category as proposed for the Niobrara River.

It is also important to note that this is not an isolated case, same situation holds for land acquisition at the Delaware River in Pennsylvania and the Buffalo River in Arkansas.

For these reasons, it is clear that Congress must affirmatively protect the private property rights of persons along the Niobrara River corridor. The Young amendment will provide for that while ensuring that the Federal Government retains authority to acquire lands in resources are ever really threatened. I urge my colleagues to support this amendment.

□ 1640

Mr. HOAGLAND. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and colleagues, I rise in opposition to this amendment. I just want to make five points; all right, five quick points.

First of all, Mr. Chairman, in the last Congress we voted against this amendment 93 to 323 on this floor. This amendment has been voted on and voted down at least twice, at least twice in the full Committee on Interior and Insular Affairs or in the subcommittee. Now since a vote on the floor last year, these condemnation powers have been scaled way back. They have been scaled way down.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. HOAGLAND. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I would like to just make a correction.

This amendment was not voted on the last time. This is a brandnew amendment. It is not the same amendment.

I say to the gentleman from Nebraska [Mr. HOAGLAND], "Don't mislead the people in this Chamber."

Mr. HOAGLAND. Mr. Chairman, I thank the gentleman from Alaska [Mr. YOUNG] for that correction. Let me rephrase what I said.

The substantive equivalent to this amendment was voted down in the last Congress 93 to 323. What that amendment attempted to do was significantly strike down the condemnation powers which at that time were 33 percent of all the land involved.

Now since then we have scaled that 33 percent down to 5 percent, indeed down to 2 percent when it comes to fee simple. That is an agreement we struck with the Senate. The Senate has already passed the bill. We have already conceded to the gentleman from Alaska [Mr. YOUNG] a large percentage of what he wants.

Point No. 3, and this is very important. Under the amendment of the gentleman from Alaska [Mr. YOUNG] there is a 3-year grandfather clause in which any kind of development can take place on the river. In other words, from the day this bill is signed by the President, for 3 years under the Young amendment people can undertake any kind of development they want. They can put up any sort of structure they want. They can interfere with the natural beauty of the river in any way they want. So, obviously it is not a well-conceived amendment.

No. 4, under the amendment of the gentleman from Alaska [Mr. YOUNG] the only option a secretary would have would be to go in after the fact to try to undo the damage to the development that has taken place. That is the extent to which the Young amendment strips the authority to police the scenic river designation.

Finally, let me emphasize that both U.S. Senators from Nebraska support this bill. This bill passed by a voice vote in the U.S. Senate. Our Governor from Nebraska supports this bill. Two of the three Members of Congress support this bill on a bipartisan basis.

I say to my colleagues, "I ask for your vote against this amendment and in support of the bill."

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

Mr. HOAGLAND. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman from Nebraska [Mr. HOAGLAND] for yielding. He has made a good statement, and it is accurate. I think that is the basic weakness of the Young amendment, that it waits until there is a problem, and then we have to go in when the bulldozers are running and try to solve the problem. We all know what that entails. It entails a lot more expense and acrimony. It is not the way of an orderly manner that we should move forward.

The fact of the matter is the gentleman from California [Mr. LAGOMARSINO], my good friend and colleague, talked about some of the problems on the adjacent river in our area, the St. Croix River. Now all of the instances that he is discussing really deal with the scenic easement type of condemnation. They do not deal with any fee simple because that river, because of the public ownership and donation that occurred, very quickly ended up being over the amount in terms of fee simple. And so all of the problems we are talking about there in this urban area are scenic easement problems, and there is of course no limit on the amount of scenic easement in the basic law.

We have placed a limit in this bill of 5 percent overall, both scenic easement and fee simple, and I think it is going to work because of the nature of the urban character or the rural character and the types of limit needs for any anticipation of a limit problem in this area. We think it is going to work. We hope it does, and I would not be presenting a bill to the House if I did not think it could not, and I thank the gentleman from Nebraska [Mr. HOAGLAND] for yielding.

Mr. BARRETT. Mr. Chairman, I move to strike the requisite number of words.

Since my amendment to bring the bill in line with current law did not pass, I at least want the opportunity to speak in favor of the amendment of the gentleman from Alaska [Mr. YOUNG] which, in my opinion, makes a bad bill just a little bit better. I at least want to see some true limits put into the bill. I want to see them placed on the issue of taking forceably land from landowners.

A very strong majority of landowners in my district, again the district through which this river passes, are opposed to the bill, and they are understandably concerned about the forceable taking of land, condemnation of their property. I think, Mr. Chairman, that erosion of individual personal property rights in this country are at a very serious proportion and one of the more serious things that is facing this Nation today.

Remember that most of the landowners along this river are farmers and ranchers. They are people who have been on this land for generations. The fact is the threat of condemnation is the primary concern of these landowners.

Some proponents of the bill stated on several occasions that condemnation is rarely used, rarely used. I wonder then why a 1980 report by the Comptroller General found that there were 20,000 pending cases against the Federal Government—20,000 condemnation cases pending against the Federal Government.

I am also concerned, Mr. Chairman, about the incredible amount of money that is being spent and the effort that is being used by the Federal Government to take property from this Nation's citizens.

□ 1650

This is especially disconcerting when the Federal Government already owns close to 40 percent of the land in this country today. I think the limits of the gentleman from Alaska [Mr. YOUNG] are true limits, as opposed to the limits mentioned and then negated in S. 248. I think the amendment is fair, and it is supported by many groups. We have seen the signs of that here on the floor: the National Cattlemen, the American Farm Bureau, the National Water Resources Association, and many, many more.

I, therefore, Mr. Chairman, urge my colleagues to support the Young amendment. Please vote yes on the amendment offered by the gentleman from Alaska [Mr. YOUNG].

Mr. LAROCCO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Young amendment.

Mr. Chairman, I am pleased today to support S. 248, a bill to designate for scenic protection the Niobrara River in northern Nebraska.

The Niobrara bill is bipartisan and represents years of work, reflecting the views and concerns of many Nebraskans, including those who live along the river. My attachment to the river goes back over 15 years ago when I worked for former Idaho Senator Frank Church. Senator Church in the 1960's authored omnibus river protection legislation, known as the Wild and Scenic Rivers Act, that included the Niobrara in a list to be studied for addition to the national system.

The Niobrara has outstanding natural qualities. The Interior Department's Nationwide Rivers Inventory classifies it as having the following outstandingly remarkable values: scenic, recreational, geological, fish, wildlife, historical and cultural. It is a biological crossroads where the low plains meet the high plains. It is home to a wide variety of wildlife, serving as a migratory stop for whoping cranes. It is a major wintering area for bald eagles. The river has unique historical, paleontological and archelogical significance. William Clark wrote about it during the 1804 Lewis and Clark expedition. It has been over 20 years since the scenic designation effort began. We have been lucky that the rivers' resources have not been significantly harmed, but if we continue to study and study, wait and wait, it may be too late.

The Niobrara bill is a good compromise and a fair bill. It will protect a unique treasure and a precious national and natural resource. I hope my colleagues will join me in supporting the Niobrara bill.

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

Mr. LAROCCO. I yield to the chairman of the subcommittee.

Mr. VENTO. Mr. Chairman, I will just point out again that I think this is a mischievous amendment.

I think if we decide that we are going to designate, we have to give the Park Service the tools so they can protect the resource. This amendment is opposed by all the major conservation organizations, and the bill is supported by them. So, I hope we will resoundingly defeat the amendment and support the bill on final passage. It deserves a yes vote by all the Members of this House.

This has been waiting a long time. It has been waiting for 30 years since Frank Church first wrote the Wild and Scenic Rivers Act, with the help of LARRY LAROCCO, who is now a Congressman from Idaho. We are pleased to have him as one of the members of our committee. We commend him for his work today and for what he has done on this measure.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore (Mr. PANETTA). Without objection, the gentleman from Alaska [Mr. YOUNG] is recognized for 5 minutes.

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I would just like to clarify the situation and answer the accusations made against my amendment. No. 1, it is not mischievous. The chairman of the subcommittee knows that I have never done anything mischievous on the floor of the House.

No. 2, it is wrong to say that condemnation proceedings are not used very often. There are 3,000 condemnation proceedings going on right now, right today, by the Park Service, by the Forest Service, and by the BLM under the Wild and Scenic Rivers Act. So Members should not tell me that it is not used, because it is used.

I cannot understand how anybody can oppose an amendment that protects the landholder, that says in fact if you do not change the way you have been protecting this for 200 years, your land will not be condemned.

The gentleman from Idaho says this is a bad amendment. I am surprised. In Idaho, if your farmers, your ranchers, and your water people believe in condemnation, that deeply worries me.

All I am asking for in this amendment is the equal right of that landholder who, as an American and as a farmer, has rightly taken care of this land so well that they declared this area as a wild and scenic river. Now, what is wrong with that?

I am asking the Members to consider this amendment and adopt the amendment because it does harm to no one. It hurts no one, and, frankly, why anyone would vote against it is something I cannot understand unless they have to respond only to those interest groups, the national conservation groups that support opposition to this amendment. What for? It does nothing wrong. It protects those 200 farmers. That is all it does. These 200 American farmers need protection, and they should be protected.

Mr. Chairman, I am saying that a yes vote on this amendment is the right thing to do. It makes the bill palatable. I will vote for the bill if we adopt this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Alaska [Mr. YOUNG].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. YOUNG of Alaska. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 124, noes 283, not voting 23, as follows:

[Roll No. 88]

AYES—124

Allard	Hall (TX)	Panetta
Archer	Hammerschmidt	Parker
Armey	Hancock	Paxon
Baker	Hansen	Payne (VA)
Ballenger	Hastert	Penny
Barrett	Hayes (LA)	Poshard
Bateman	Hefley	Quillen
Bentley	Herger	Rhodes
Bliley	Hobson	Ridge
Boehner	Houghton	Riggs
Bunning	Hunter	Ritter
Burton	Hyde	Roberts
Callahan	Inhofe	Rogers
Camp	Jones (NC)	Rohrabacher
Coble	Kasich	Roth
Coleman (MO)	Kolbe	Sarpalius
Combest	Kyl	Schaefer
Costello	Lagomarsino	Schulze
Crane	Lent	Shaw
Cunningham	Lewis (CA)	Shuster
Dannemeyer	Lightfoot	Skeen
Davis	Livingston	Slaughter (VA)
DeLay	Lowery (CA)	Smith (IA)
Doolittle	Machtley	Smith (OR)
Dorgan (ND)	Marlenee	Solomon
Dornan (CA)	Martin	Stallings
Duncan	Martinez	Stearns
Early	McCandless	Stenholm
Edwards (OK)	McDade	Stump
Emerson	McEwen	Sundquist
Espy	Michel	Tauzin
Fields	Miller (OH)	Taylor (MS)
Franks (CT)	Molinari	Taylor (NC)
Gallegly	Montgomery	Thomas (WY)
Gekas	Moorhead	Vucanovich
Gilchrest	Murphy	Walker
Gillmor	Myers	Weber
Gingrich	Nichols	Wolf
Glickman	Nussle	Young (AK)
Gonzalez	Orton	Zeliff
Goodling	Oxley	
Grandy	Packard	

NOES—283

Abercrombie	Carper	Engel
Ackerman	Carr	English
Anderson	Chandler	Erdreich
Andrews (ME)	Clay	Evans
Andrews (NJ)	Clement	Fascell
Andrews (TX)	Clinger	Fawell
Annunzio	Coleman (TX)	Fazio
Applegate	Collins (MI)	Feighan
Aspin	Condit	Fish
Atkins	Conyers	Flake
AuCoin	Cooper	Foglietta
Bacchus	Coughlin	Ford (MI)
Barnard	Cox (CA)	Frank (MA)
Beilenson	Cox (IL)	Gallo
Bennett	Coyne	Gaydos
Bereuter	Cramer	Gejdenson
Berman	Darden	Gephardt
Bevill	de la Garza	Gibbons
Bilbray	DeFazio	Gilman
Bilirakis	DeLauro	Gordon
Boehlert	Dellums	Goss
Bonior	Derrick	Gradison
Borski	Dicks	Gray
Boucher	Dingell	Green
Brewster	Dixon	Guarini
Brooks	Donnelly	Gunderson
Broomfield	Dooley	Hall (OH)
Browder	Downey	Hamilton
Brown	Dreier	Harris
Bruce	Durbin	Hayes (IL)
Bryant	Dwyer	Hefner
Byron	Dymally	Henry
Campbell (CA)	Eckart	Hertel
Campbell (CO)	Edwards (CA)	Hoagland
Cardin	Edwards (TX)	Hochbrueckner

Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Levin (MI)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Morella
Morrison
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Patterson
Payne (NJ)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Price
Pursell
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Rinaldo
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Savage
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Spence
Spratt
Staggers
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Washington
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)
Zimmer

NOT VOTING—23

Alexander
Anthony
Barton
Boxer
Bustamante
Chapman
Collins (IL)
Dickinson
Ford (TN)
Frost
Geren
Hatcher
Holloway
Hopkins
Kaptur
Lehman (CA)
Lehman (FL)
Levine (CA)
Markey
Matsui
McCrery
Mrazek
Pickle

□ 1714

The Clerk announced the following pair:

On this vote:

Mr. Barton for, with Mr. Geren of Texas against.

Mrs. JOHNSON of Connecticut changed her vote from "aye" to "no."

Messrs. SUNDQUIST, MILLER of Ohio, COSTELLO, and SARPALIUS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. PANETTA). Are there any further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. TRAXLER] having assumed the chair, Mr. PANETTA, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Senate bill (S. 248) to amend the Wild and Scenic Rivers Act to designate certain segments of the Niobrara River in Nebraska and a segment of the Missouri River in Nebraska and South Dakota as components of the wild and scenic rivers system, and for other purposes, pursuant to House Resolution 148, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. VENTO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 333, nays 71, not voting 26, as follows:

[Roll No. 89]

YEAS—333

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gallo
Gaydos
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gordon
Goss
Gradison
Gray
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Martinez
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Price
Pursell
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Rinaldo
Ritter
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stokes
Studds
Sundquist
Swett
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Washington
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)
Zimmer

NAYS—71

Allard
Archer
Armey
Baker
Ballenger
Barrett
Bateman
Bentley
Boehner
Bunning
Burton
Crane
Dannemeyer
Davis
DeLay
Doolittle
Dornan (CA)
Duncan
Edwards (OK)
Emerson
Fields
Franks (CT)
Gallegly
Gekas
Gonzalez
Goodling
Grandy
Hall (TX)
Hammerschmidt
Hansen
Herger
Hunter
Hyde
Inhofe
Kyl
Lagomarsino
Lightfoot
Livingston
Marlenee
Martin
McCandless
McEwen
Michel
Miller (OH)
Myers
Nichols
Nussle
Olin
Oxley
Packard
Quillen
Rhodes
Ridge
Riggs
Roberts
Rogers
Rohrabacher
Schaefer
Schulze
Shuster
Slaughter (VA)
Smith (OR)
Stenholm
Stump
Swift
Taylor (NC)
Thomas (WY)
Vucanovich
Walker
Young (AK)
Zeliff

NOT VOTING—26

Alexander	Geren	Markey
Anthony	Hancock	Matsui
Barton	Hatcher	McCrery
Boxer	Holloway	Mrazek
Bustamante	Hopkins	Pickle
Chapman	Kaptur	Scheuer
Collins (IL)	Lehman (CA)	Solomon
Dickinson	Lehman (FL)	Waters
Frost	Levine (CA)	

□ 1736

The Clerk announced the following pair:

On this vote:

Mr. Geren of Texas for, Mr. Barton of Texas against.

So the Senate bill was passed.

The result of the bill was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 248, the Senate bill just passed.

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

There was no objection.

PERSONAL EXPLANATION

Mr. GEREN of Texas. Mr. Speaker, I was unable to vote on Quorum Call No. 86 because my flight to Washington, DC was detained in Texas. I would have voted "present" on vote No. 86 had I voted.

On the two amendments that were offered today to S. 248, the Niobrara Scenic River Designation Act and on final passage, I was paired with my colleague, Congressman BARTON of Texas. On the first amendment that was offered to S. 248 by Congressman BARRETT, I would have voted "no" and Congressman BARTON would have voted "yes." On the second amendment that was offered to S. 248 by Congressman YOUNG, I would have voted "no" and Congressman BARTON would have voted "yes." On the vote for final passage of S. 248, I would have voted "yes" and Congressman BARTON would have voted "no."

PERSONAL EXPLANATION

Mr. SWIFT. Mr. Speaker, I voted "nay" on House rollcall No. 89, final passage of S. 248, which designated Wild and Scenic Rivers status for the Niobrara River of Nebraska. In fact I supported this bill and meant to vote "yea."

Mr. Speaker, I ask unanimous consent that the Permanent RECORD include my statement of explanation.

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

There was no objection.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FROM CONTRIBUTIONS OF FOREIGN GOVERNMENTS AND/OR INTEREST FOR HUMANITARIAN ASSISTANCE TO REFUGEES AND DISPLACED PERSONS IN AND AROUND IRAQ AS A RESULT OF THE RECENT INVASION OF KUWAIT AND FOR PEACEKEEPING ACTIVITIES AND OTHER URGENT NEEDS ACT OF 1991

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2251) making dire emergency supplemental appropriations from contributions of foreign governments and/or interest for humanitarian assistance to refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait and for peacekeeping activities, and for other urgent needs for the fiscal year ending September 30, 1991, and for other purposes with Senate amendments thereto, and disagree to the amendments of the Senate.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 3, strike out lines 9 to 24.

Page 5, strike out all after line 14 over to and including line 16 on page 9, and insert:

CHAPTER II

DEPARTMENT OF STATE

DEFENSE COOPERATION ACCOUNT

For a portion of the expenses associated with the provision of emergency assistance, pursuant to section 251(b)(2)(D)(i) of Public Law 99-177, as amended, for refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait, and for peacekeeping activities and for international disaster assistance in the region, there is appropriated from the Defense Cooperation Account, $235,500,000, to be derived only from the interest payments deposited to the credit of such account, which shall be available only for transfer by the Secretary of Defense to "International Disaster Assistance", "Migration and Refugee Assistance", "United States Emergency Refugee and Migration Assistance", and "Contributions to International Peacekeeping Activities", as follows:

FUNDS APPROPRIATED TO THE PRESIDENT

BILATERAL ECONOMIC ASSISTANCE

INTERNATIONAL DISASTER ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "International Disaster Assistance", $67,000,000, to remain available until expended.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "Migration and Refugee Assistance", $75,000,000: Provided, That in addition to amounts otherwise available for such purposes, up to $250,000 of the funds appropriated under this heading may be made available for the administrative expenses of the Office of Refugee Programs of the Department of State: Provided further, That funds made available under this heading shall remain available until September 30, 1992.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

(TRANSFER OF FUNDS)

For an additional amount for the "United States Emergency Refugee and Migration Assistance Fund", $68,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 that would limit the amount of funds that could be appropriated for this purpose.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES

(TRANSFER OF FUNDS)

For an additional amount for "Contributions to international peacekeeping activities", $250,500,000, to remain available until September 30, 1992.

GENERAL PROVISIONS—CHAPTER II

SEC. 201. The authority provided in this chapter to transfer funds from the Defense Cooperation Account is in addition to any other transfer authority contained in any other Act making appropriations for fiscal year 1991.

SEC. 202. Funds transferred or otherwise made available pursuant to this Act may be made available notwithstanding any provision of law that restricts assistance to particular countries.

SEC. 203. Funds transferred pursuant to this chapter for International Disaster Assistance and the United States Emergency Refugee and Migration Assistance Fund may also be used to replenish appropriations accounts from which assistance was provided prior to the enactment of this Act.

SEC. 204. Amounts obligated for fiscal year 1991 under the authority of section 492(b) of the Foreign Assistance Act of 1961 to provide international disaster assistance in connection with the Persian Gulf crisis shall not be counted against the ceiling limitation of such section.

SEC. 205. The value of any defense articles, defense services, and military education and training authorized as of April 20, 1991, to be drawn down by the President under the authority of section 506(a)(2) of the Foreign Assistance Act of 1961 shall not be counted against the ceiling limitation of such section.

SEC. 206. Funds made available under this chapter may be made available notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956.

Page 10, after line 15, insert:

CHAPTER IV

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

Of the funds appropriated under this heading in Public Law 101-515 and Public Law 102-27, $159,325,000 shall be available to carry out export promotion programs notwithstanding the provisions of section 201 of Public Law 99-64.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds appropriated under this heading in Public Law 101-515, $8,262,000 is hereby rescinded.

DEFENDER SERVICES

For an additional amount for "Defender Services", $8,000,000, to remain available until expended.

Page 10, line 16, strike out [IV] and insert: *V*

Page 10, line 18, strike out [401] and insert: *501*

Page 10, line 21, strike out [402] and insert: *502*

Page 11, line 2, strike out [are off budget.] and insert: *are within the limits of the Budget Enforcement Act of 1990.*

SEC. 503. Notwithstanding any other provision of law, not to exceed 15 per centum of the funds made available for any title of the Agricultural Trade Development and Assistance Act of 1954 by the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1991, may be used for purposes of title II of the Agricultural Trade Development and Assistance Act of 1954.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

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

There was no objection.

Mr. WHITTEN. Mr. Speaker, could I speak out of order in support of the action just taken. This bill passed the House 384 to 25 on May 9. It provides the following, which I think should be carried in the RECORD.

The Director of the Office of Management and Budget, using up to $35,000 of funds previously appropriated under this head in Public Law 101-509, shall prepare a report on unfunded costs of dire emergencies existing because of floods, droughts, tornadoes, unemployment, and other disasters in the United States and submit the report to the appropriate committees of Congress within ten days of the date of enactment of this Act, pending receipt of a budget request.

Mr. Speaker, until this is cleared for the President and signed, we will not receive the information on disasters affecting our own country which need to be addressed.

We need to provide the support for Americans that we do for victims of international disasters.

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

There was no objection.

A motion to reconsider was laid on the table.

□ 1740

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

The SPEAKER pro tempore (Mr. TAXLER). Pursuant to House Resolution 147 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1415.

The Chair designates the gentleman from Washington [Mr. SWIFT] as Chairman of the Committee of the Whole and requests the gentleman from Nebraska [Mr. HOAGLAND] to assume the chair temporarily.

□ 1751

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1415, to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes, with Mr. HOAGLAND, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. BERMAN] will be recognized for 30 minutes and the gentlewoman from Maine [Ms. SNOWE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. BERMAN].

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

Mr. Chairman, this legislation provides for the operation of the Department of State, the United States Information Agency, and the Board for International Broadcasting.

This legislation is an important authorization bill in that it responds to the President's request for funding, administrative authority, and increased flexibility in the conduct of foreign affairs. The administration requested a total of $5,486,381,000 in authorization for fiscal year 1992, and such sums as may be necessary for fiscal year 1993. With one significant exception, the committee adhered to this request for fiscal year 1992, offsetting small increases within the bill by decreases elsewhere. The only exception was the committee's provision for a $109.443 million increase for refugee programs. This will be offset by savings in other parts of the foreign aid budget resulting from adjustments in mechanisms for financing foreign aid. For fiscal year 1993, the committee allowed authorization levels so as to keep pace with inflation, plus a few selected program increases.

The substantial increase in refugee assistance is necessitated by the recent rapid increase in refugee populations since the administration's estimates were drawn up. Spending for the stabilization of humanitarian emergencies is not only supported by humane considerations but is also a prudent device which serves our national security interests by lessening regional instability around the world.

For USIA and BIB, the bill as reported by the committee provides dollar authorizations for fiscal year 1992 only. The committee believes it necessary, given the volatile future of U.S. Government broadcasting, to reauthorize these activities next year, when a pending Presidential commission has met and reported on broadcasting issues.

The committee did request two technical waivers coming to the floor. These have to do with provisions that we will strike in the en bloc amendment that I plan to offer at the appropriate time. The Committee on Foreign Affairs did not intend to create new budget authority by inclusion of section 116(a). With respect to the waiver of clause 5(b) of rule XXI, the committee has also, in consultation with the Committee on Ways and Means, agreed to delete section 144 during floor consideration.

Most issues have been resolved between the majority and the minority in subcommittee and committee. A few provisions still need some technical corrections, inadvertent omissions need to be corrected, and a few other minor issues have come up since markup. Where agreed to with the minority, amendments dealing with these will be offered en bloc.

The committee was divided on one major outstanding issue: provision for construction of a new U.S. Embassy office building in Moscow. On this, the committee-reported bill provides for construction in Moscow along the lines proposed by the executive branch.

Construction work on our new office building in Moscow stopped several years ago when the structure was discovered to have been riddled with bugging devices. Since then, a variety of proposals for completing the project have gone nowhere. The administration has now proposed a new option: that of tearing off the top two floors of the partially constructed building and constructing four new, secure ones, a "top hat" in their place. H.R. 1415, as reported by the committee, provides authority to do this. An amendment, the Snowe amendment, will be offered to strike these provisions, and to insist on tearing down the new building to its foundations and reconstructing it from ground up.

In authorizing the State Department to pursue the "top hat" option, the Foreign Affairs Committee acceded to an administration request. It is now clear, however, that the minority vigorously and almost unanimously opposes the President on this issue. As late as yesterday, Secretary Baker and CIA Director Webster appealed jointly for support of the committee language on Moscow, apparently to no avail. The resolution of this impasse remains dependent on the extent to which the administration and House Republicans can come to terms over the issue.

On other issues, the bill as reported provides significant new administrative authorities requested by the executive branch, including appropriations transfer authority, higher reprogramming thresholds, greater latitude in closing posts, and greater flexibility in leasing and lease purchasing. The bill also comprises a number of committee initiatives on program

management, personnel reform, and other matters. Overall, this is a good bill, providing 90 percent or more of what the administration requested, and adding another 10 percent of what it needs but doesn't know it wants.

Finally, I would note for Members that we have taken great pains to limit this bill to operations and requirements of the Department of State and related agencies and have requested and received a rule that does not waiver the germaneness requirement. Therefore, I would hope that any amendments dealing with broader foreign policy issues or foreign assistance will not be offered during consideration of this legislation or, regardless of my philosophical support for them, it will be my intent to raise a point of order against them. I would note that the Committee on Foreign Affairs is beginning its consideration of authorization legislation for fiscal years 1992 and 1993 and that this legislation should be ready for floor consideration during the coming weeks. Such foreign policy amendments will be pertinent to that bill.

I want to say a few words about section 181 of the bill which allows refugee admissions numbers that remain unused at the end of fiscal year 1991, together with the funding in the Migration and Refugee Assistance Account for those numbers, to remain available for use in fiscal 1992.

It is the committee's intention to provide a temporary remedy for individuals who would have entered the United States as refugees in fiscal year 1991 but are likely to be prevented from doing so for reasons outside of their control.

It is not our intent to establish any kind of entitlement program for certain groups of refugees or create what some have called inflexible refugee quotas outside of the current admissions process. In addition, this provision has no affect on the State Department's flexibility under existing authorities.

The Judiciary Committee has agreed to let us do this. This provision was approved by my subcommittee and the full Foreign Affairs Committee with the sole intent of providing a one-time solution to the particular problems, this year, of arbitrary loss of numbers due to processing problems outside the control of the U.S. Government and the refugees themselves.

The committee is extremely concerned at indications that Soviet Jews approved for admission to the United States are unable to avail themselves of the opportunity to enter in this fiscal year because of delays in Soviet emigration processing.

The committee also seeks to ensure that there are sufficient refugee admissions numbers available for refugees whose processing for entry to the United States has been delayed by conflict in Africa and dangerous conditions in the Near East.

It is my hope that the problems I have outlined above can be resolved administratively within existing law. We are working with the Refugee Bureau to see if we can effect a solution within the context of the annual consultation process. If this is achieved, and the relevant committees ensure the funding for the slots in question remain available for fiscal 1992, this provision would become redundant and would be removed before enactment.

The Congressional Budget Office finds that nothing in this provision violates the Budget Enforcement Act or has any direct spending implications.

Mr. Chairman, I submit for the RECORD a letter from the Assistant Secretary of Legislative Affairs, Janet G. Mullins, containing a section-by-section analysis of the committee substitute:

U.S. DEPARTMENT OF STATE,
Washington, DC, May 14, 1991.

Hon. HOWARD S. BERMAN,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As floor action on the Foreign Relations Authorization Act for FY 1992 and 1993 approaches, I wanted once again to express the Department's appreciation for the assistance that you, the International Operations Subcommittee, the Foreign Affairs Committee and all of the staff have supplied during the process to date. Changes at the full committee markup have generally served to make a good bill better, and we are happy to be able to support most of it. In particular, we are pleased that the Committee has authorized the Administration to build a new chancery in Moscow using its preferred approach of removing two floors and adding four new ones; and that it has authorized full payment of arrearages to International Organizations and for Peacekeeping, with the amounts to be scored over a four year period as funds are made available for payment.

However, we continue to have concerns about certain provisions of the bill. With respect to authorization levels, we are pleased to note that in general they reflect the administration's request. We think, however, that any further reductions could run the risk of major damage to our programs. Where reductions have been made, it is especially important for us to retain maximum flexibility to determine how to absorb them so as to be least harmful, without specific reductions designated in statute or report language. We continue to oppose all earmarks because, in a time of limited budget resources, they limit unduly our flexibility to manage programs.

The Department has particular difficulty with changes in the structure of the confidential fund (sections 101(c)/113), denial of passports (section 112), creation of an Assistant Secretary for South Asia (section 121), changes in the visa lookout system (section 126), transition for refugee shortfalls (section 181), mandates concerning the Foreign Relations of the U.S. Series (section 183), reports on recognition of Israel (section 188) and PLO Commitments Compliance (section 301), and other provisions that infringe the President's constitutional authority (sections 171(b)(1), 184(b)(2) and 185(b)). These are detailed in the attached commentary on each provision of the bill.

As we noted in commenting on the subcommittee version of the bill earlier, we look forward to continuing to work with the Committee and its staff in the spirit of mutual cooperation which has prevailed to date. Naturally, we will provide any assistance possible to facilitate enactment of a sound Authorization Act.

The Office of Management and Budget advises that there is no objection to submission of this report to Congress from the standpoint of the Administration's program.

Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

DEPARTMENT OF STATE COMMENTS ON COMMITTEE SUBSTITUTE FOR H.R. 1415, AS REPORTED MAY 8, 1991

Part A. Authorization of Appropriations.

Sections 101–105.—In general, the Department continues to believe that the requested amounts should be authorized, and without earmark limitations when resources are so scarce. Following are specific comments on individual sections.

Section 101. Administration of foreign affairs.—We continue to hope that ways can be found to avoid the $15.7 million reduction in the FBO accounts and the smaller reduction in S&E in order to fund Committee-sponsored projects, and that any reductions taken not be earmarked. The increase in authorization for the Protection of Foreign Missions and Officials account, since it had to be taken from other priority areas, is of concern, and we cannot support this change. As noted above, the other earmarks in this section also present difficulties, in particular for language training in S&E, which is too high; and $2,000,000 for enumerated activities in the Emergencies Account, which is too low for these activities (the FY 1990 expenditure level was $2.4 million). We are also concerned that the reference to $750,000 for CSCE is substantially higher than our current expectation for the amount required, and that such a figure would create unrealistic expectations of the level of participation required or affordable.

Section 102. International organizations and conferences.—We very much appreciate the Committee's decision to include the full amounts for arrearages in the President's request, for a total of $1,120,541,000 for CIO and $201,292,000 for CIPA, with the arrears made available (and thus scored) in increments over the next four years.

Section 103. International commissions.—There are no problems with this section as drafted.

Section 104. Migration and refugee assistance.—The President's budget request is sufficient to meet the anticipated requirements for refugee assistance and admissions in FY '92. Requirements for Iraqi refugees, beyond contributions already made from FY '91 accounts, are being addressed separately through consideration of supplemental appropriations for FY '91. The Administration opposes the add-on above the request and the earmarking of this account. In particular, we believe that the requirements of the program for refugees to Israel are appropriately addressed in the President's budget request, at $40 million. This provision would have a serious impact on FY 1992 and 1993 program funds, if we are required to take the extra amount from other proposed refugee activities. Section 104(c) earmarks not less than $1.75 million additional for assistance to unaccompanied minor children and other cases

of special humanitarian concern in both FY 1992 and 1993. The Administration's request includes a sufficient amount for this purpose, and the earmark would be at the expense of other program needs.

Section 105. Other programs.—We continue to believe that the request level of $15.367 million is appropriate for the Asia Foundation, given other important funding requirements. The 17 percent increase ($2.63 million) is particularly objectionable because reductions were made in other accounts to fund it.

Section 111. Consular and diplomatic posts abroad.—This provision is a significant improvement over current law. Inclusion of any restriction in this area infringes the President's constitutional authority with respect to the conduct of diplomatic relations with and recognition of foreign governments. We continue to prefer only the repeal of the current section 122 of the FY '88-'89 Authorization.

Section 112. Denial of passports.—This provision on passports, as elaborated on in report language which seriously mischaracterizes Department of State practice, is ill founded and strongly objectionable. The provision serves no purpose except to generate confusion and litigation.

Section 113. Emergencies in the diplomatic and consular service.—We strongly believe that for effective conduct of the nation's foreign affairs, the Secretary must have a confidential fund for certain kinds of expenses. In particular, we are concerned that mandatory public disclosure of potentially sensitive diplomatic activities can be inimical to the success of U.S. foreign policy and raises constitutional concerns. We similarly are concerned about the hard earmark under section 101 since it is below the level needed to sustain necessary levels of diplomatic activity in this demanding period. The current exhaustive confidential reporting requirements to the Congress provide information necessary to ensure effective oversight of the use of these funds.

Section 114. Lease authority.—We appreciate inclusion of this provision, and the addition at the full committee of an exemption from competition in contracting for FBO leases overseas. We continue to feel that the same exemption should apply to purchases of buildings overseas as well.

Section 115. Multiyear contracting for Moscow.—We appreciate inclusion of this important provision. However, we believe that subsection (d) should be amended to read "(d) SUNSET PROVISION.—The authority to enter into multiyear contracts contained in this section shall cease to have effect after September 30, 1993." Since a multiyear contract entered into under this authority would likely continue in effect and performance after this sunset date, the sunset provision needs to be clarified to ensure that it does not affect contracts awarded prior to the sunset date and, in particular, that the Department may utilize the Foreign Service Buildings Fund to pay any contractual cancellation charges which might arise if outyear appropriations were not forthcoming.

Section 116. Transfers and reprogrammings.—We appreciate the Committee's willingness initially to include the Buying Power Maintenance Account transfer authority in subsection (a), although given the provisions of the BEA we understand it will be deleted on the floor. We hope to continue to work with the Committee to find an acceptable way to accomplish this purpose. We also appreciate inclusion of appropriations transfer authority in subsection (b). With respect to the latter, it would be helpful if the amount that could be transferred could be larger for the small accounts, in particular the Emergencies and ICC accounts. We appreciate inclusion of updated authority to transfer authorization in the second year of a two-year authorization cycle; and of the administration's request to change the threshold for reprogramming from $250,000 to $500,000 to conform with the level included in recent appropriations legislation. We continue to believe that a streamlined approach to reprogramming in the FBO area, by repealing section 401(c) of the Inman legislation and going to quarterly reports for true reprogrammings under strictly controlled conditions would be beneficial. Finally we would also propose that the reprogramming requirement for transfers in emergency situations be modified by inserting at the end of new 24(f)(3): ", except that the 15-day period shall apply only insofar as consistent with the emergency nature of the situation." This would allow obligations and expenditures of transferred funds without waiting the full 15 days after a notification is submitted when the emergency so warrants.

Section 117. Administrative services.—We welcome the intent of this section. We think that the phrase "or to protect United States foreign policy interests" should be added in subsection (b)(2) of this amendment to section 23 of the Basic Authorities Act as an additional ground for a waiver by the Secretary and that current section 23 be amended by deleting everything after the word "service" the second time it appears in the last sentence to avoid confusion.

Section 118. International meetings.—We continue to think that it would be useful to extend the statutory authority to hire without regard to the civil service laws for international meetings. Such authority is currently limited to the ICC account, and we would like to have equally certain authority in other accounts. The Department would continue to apply the Civil Service classification standards in such situations.

Section 119. Child care facilities at certain posts abroad.—We appreciate inclusion of this Administration proposal.

Section 120. Availability of funds.—This technical amendment is as requested.

Section 121. Assistant Secretary of State for South Asian Affairs.—The Department strongly urges deletion of this section. As reported to the Committee in the study mandated by Section 127 of the 1990-1991 Foreign Relations Authorization Act, we believe that the Department's current organization is best suited to provide sound policy management of the important issues arising in this geographic area. A single Assistant Secretary handling both the Near East and South Asia enables us to apply a broad range of resources and to develop sophisticated expertise on such crucial problems as proliferation of weapons of mass destruction, the Islamic revival, and the Afghan issue—all of which involve both the countries of South Asia and those of the Near East. From a management perspective, this would be a much smaller bureau than any of the others by almost any measure, as we have explained in the study mentioned above, and therefore would be inefficient. Finally, this provision exacerbates the problem of creating bureaus by statute, rather than reserving this authority to the Secretary of State, as the Administration has proposed in its draft bill.

Section 122. Fees received for use of Blair House.—We appreciate the Subcommittee's calling our attention to the need for this provision.

Section 123. Foreign Service Institute facilities.—As requested.

Section 124. Maintenance management of overseas property.—We appreciate changes in this provision made in consultation with the Committee, and have no objection to the current version. We think in finding (3) that "insufficient" in place of "neglect of" better describes the situation; and that the world "program" should be added after "specific maintenance" in subsection (b)(4).

Section 125. Defense trade controls registration fees.—As requested.

Section 126. Visa lookout systems.—We understand the intent of this provision and intend to follow its spirit. However, for a number of reasons we cannot comply with it in its current form, and must oppose it as now drafted. The requirement to purge the files can only be accomplished by reviewing individual files spread around the world. The Department does not have the staff to perform this task, especially in view of the new burdens resulting from the Immigration Act of 1990. The remedial provision contained in section 601(c) of that Act represents a carefully considered and workable solution to this problem. In addition, by prohibiting retention of information on aliens who are not "excludable," this provision would prohibit our keeping track of information on people who are, for example, suspected terrorists, narcotics offenders, Nazi war criminals, and intelligence operatives, unless the formal adjudication had already been made that they were in fact excludable. We could also not keep other useful information, e.g., FBI interest in arresting an individual if he or she entered the U.S., Congressional interest in an individual, or pending immigrant visas.

Section 131. Diplomatic construction program.—We appreciate inclusion of this simplifying and cost-saving provision.

Section 132. Moscow embassy construction.—We strongly support the provision included by the full Committee. As we have argued, a firm decision on the approach to be followed is needed as quickly as possible, and the Administration believes that the Top Hat option best meets all of the concerns expressed on this subject. We think any other approach would simply lead to impasse, which must be avoided.

Section 141. Ambassadorial appointments.—As requested.

Section 142. Chief of Mission salary.—As requested.

Section 143. Authority of Secretary to suspend employees convicted of crimes.—We are disappointed that our proposed revisions which would have limited the practice of prescriptive relief for employees facing separation from the Foreign Service and conform Foreign Service practices to those in the Civil Service have been eliminated. We continue to believe that placing the two systems on the same basis is warranted.

Section 144. Retirement eligibility for certain Federal employees who transfer to international organizations.—We believe this section would have facilitated our ability to attract strong candidates for assignments to International Organizations. We understand that it will have to be dropped at this time for jurisdictional reasons, but seek the Committee's support in working with us and other committees to find a mutually-agreed approach to dealing with this issue.

Section 145. Commissary access.—As requested.

Section 146. Storage of personal effects.—As requested.

Section 147. Transportation of remains.—As requested.

Section 148. Amendments to title 5.—We appreciate inclusion of these requested

changes, which make minor but helpful changes in a number of personnel and allowance provisions. We have one minor suggestion. We believe that changing 148(e)(3)(B) so that it would add "and such educational services as are provided by the States under the Individuals with Disabilities Education Act" instead of the currently proposed language would eliminate possible confusion concerning the availability of allowances with respect to pre-school education for disabled children.

Section 149. Voluntary leave bank program.—As requested.

Section 150. Reassignment and retirement of former presidential appointees.—We can accept this provision as drafted.

Section 161. Contributions to the International Red Cross.—As requested.

Section 162. Reform in budget decision-making procedures of the United Nations and its specialized agencies.

(a) As requested.

(b) We have no objection to informing the Congress when it is necessary to withhold contributions pursuant to section 162(a), but would prefer to do so informally as opposed to a formal Presidential notification. The President has made clear his intention to pay previously withheld contributions where legally permissible and the annual appropriation request to the Congress should serve as the basis for Congressional notification as to how much will be paid to each organization each year.

(c) As requested.

(d) This section should be deleted, since Congress will be fully informed through the President's annual appropriation request and any subsequent reprogrammings notifications.

Section 163. Permanent International Association of Road Congresses.—As requested.

Section 164. Report to Congress concerning United Nations secondment.—As requested.

Section 165. International Boundary and Water Commission.—As requested.

Section 166. International fisheries commissions advance payments.—As requested.

Section 167. Japan-United States Friendship Commission—As requested.

Section 168. British-American Interparliamentary Group.

Section 169. U.S. delegation to the CSCE assembly.—In each case, we believe it important that both House and Senate representatives to these groups be drawn from both major U.S. political parties. We understand this is the intention. As is the case with U.S. travel to other inter-parliamentary fora, funds for each group should be provided through a legislative appropriation.

Section 170. Report Concerning the United Nations Educational, Scientific and Cultural Organization.—We oppose this section as being unnecessary.

Section 171. Inter-American Foundation.—This provision contains the Administration's request with respect to funding. We note that the proposed restrictions on the qualifications of individuals the President may nominate to the Board of Directors of the Foundation infringes both on the President's authority under the Appointments clause of the Constitution, and the role of the Senate in giving advice and consent to presidential nominees.

Section 181. Transition for refugee shortfall.—We are very sympathetic to the idea that operational problems should not lead to a reduction in total refugee admissions. However, we are not comfortable with the idea of singling out any specific category for special treatment. The Administration is extending every effort to resolve the problem of departures of approved refugees from the Soviet Union in FY '91. If these steps are successful, then this proposal would be moot. In addition, the Refugee Act of 1980 gives the President only the authority to set annual refugee admissions levels, a procedure which is working well and does not need to be changed. We can also address some of these problems in the context of the Administration's consultations with the Congress on the FY '92 refugee ceilings, which begin this year in July. We therefore think this provision is premature and unnecessary, and that it should be dropped for the time being. We are also concerned that there is a danger that the rollover provision might lead FY '92 costs which may be subject to the "pay-as-you-go" provisions of the Budget Enforcement Act.

Section 182. Travel advisory for Jalisco, Mexico.—As requested.

Section 183. The foreign relations of the United States historical series.—While we think the provision in the bill is a substantial improvement over previous versions, we continue to have practical and constitutional concerns with it. The Administration continues to believe that legislation is not necessary in this area, and that the plan we have developed will resolve those problems which have been identified.

Section 184. Implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women.—We note that the requirement that the Secretary of State submit to Congress a preliminary version of a report to the United Nations Secretary General infringes the President's constitutional authority with respect to the conduct of diplomacy.

Section 185. Study of visa refusal for U.S. citizens.—We are sympathetic to the aims of the legislation but believe it is unnecessary as the Department of State already possesses information and makes it available publicly to U.S. travelers. The Administration is of course willing to provide this information to Congress. We believe that the problem can best be approached diplomatically, and note that decisions about the conduct of diplomacy are reserved by the Constitution to the President.

Section 186. Study of Technical Security and Counterintelligence Capabilities.—Although we have no objection to this provision, it cannot restrict the President's constitutional authority to protect sensitive diplomatic communications and state secrets from disclosure.

Section 187. GAO Study of the Food and Agricultural Organization.—A technical correction is needed to clarify the jurisdiction of the GAO. The Department has no position on this provision at this time.

Section 188. Reports Concerning Israel.—We strongly oppose this section. The Administration is committed to and actively pursuing the repeal of United Nations General Assembly Resolution 3379 equating Zionism with Racism. Interested members of the Congress are regularly informed of our progress on this issue. We believe, however, that the report directed by this section will focus attention negatively on this effort, making achievement of this goal more difficult. The Administration does not support rescission of United Nations Security Council Resolution 487. The bombing of the Iraqi nuclear reactor in 1981 was an action which the United States strongly opposed. It would be inappropriate to approve it ten years later. We discern no support at all for such an effort among the other members of the council. The United States firmly supports Israeli efforts to gain international recognition, and we continually urge all nations to establish full diplomatic relations with Israel. Again, however, we do not believe that maintaining a running tally as would be required by this section is appropriate or productive. Finally, the Administration strongly supports the recognition of and establishment of full diplomatic relations between Israel and the Arab states, but we believe that a "Report Concerning the Recognition of Israel by Arab Nations" would complicate our intense, active efforts to achieve this objective.

Section 189. Sense of Congress concerning sexual harassment at the Department of State.—The Department recognizes that it has not been able to complete the study mandated in the prior legislation in a timely fashion, but it is well on the way to doing so. We hope that the perceived need for this provision will have been overtaken before final passage of this legislation.

Section 215. Israeli Arab Scholarship Program.—The Department supports the objectives of an Israeli-Arab Scholarship Program. Subject to the availability of funding, we have no objection to this section which would establish such a program in the United States Information Agency.

Section 221(6). World University Games.—Without commenting on the merits of funding international cultural and exchange-related activities associated with the 1993 World University Games in Buffalo, we do not support authorizing an appropriation for this event at the expense of other Function 150 accounts.

Section 301. PLO commitments compliance.—As in the past, we oppose this provision on both pragmatic and foreign policy grounds. First, it is unnecessary. It would have the opposite effect of what is intended, for it would highlight the PLO at a moment when most parties in and outside the region are pushing the PLO to the side. The Administration is now attempting to engage Israelis and Palestinians from the occupied territories in dialogue and negotiations. Focusing on the PLO would force West Bank/Gaza Palestinians to highlight the PLO as a symbol which could undermine these efforts. The intent of this legislation is met by the USG insistence on holding the PLO strictly to its commitments of December 1988. The PLO, by its support of Iraq, has lost credibility and has not met minimal conditions indicated in the President's June 20 announcement suspending the dialogue. We will not resume the dialogue until the PLO takes the steps necessary to repair the damage and reaffirm its commitments.

Section 302. Sense of Congress regarding reciprocal diplomatic status.—The Department shares the Congressional concern evidenced in this provision but feels it is unnecessary. The Department's policy is to obtain the highest level of privileges and immunities for law enforcement officers abroad permitted by host countries. In Mexico, DEA agents are accredited to consulates and thus receive immunity for official acts from both civil and criminal jurisdiction.

Section 303. Expansion of United States Support for and Presence in the Baltic States.—We have no objection to this provision.

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

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

Mr. Chairman, the gentleman from California has already described the main outlines of this legislation. I

would just like to highlight some of the bill's major features.

But first, I would like to congratulate the gentleman from California for becoming the new chairman of the International Operations Subcommittee. I have served at the subcommittee as ranking Republican for 6 years; this is the fourth time I have been Republican manager of this legislation. I appreciate the new chairman's willingness to work closely with me in the State Department authorization process, even though we have not always agreed. The International Operations Subcommittee has a long history of accomplishing serious work in a bipartisan fashion, and I hope this can continue.

At the outset, let me emphasize that the legislation before us today is not the foreign aid bill. Because of the bill's official title, the Foreign Relations Authorization Act, there is often confusion. This bill authorizes the internal budgets and operations of the State Department, the U.S. Information Agency, the Board for International Broadcasting, and other foreign affairs agencies. It also authorizes U.S. assessed contributions to the United Nations and other international organizations, and governs the operations of our international broadcasting services, such as the Voice of America and Radio Free Europe. Foreign aid amendments, policy amendments, and export administration amendments are not germane to this bill.

This legislation, in most respects, closely follows the funding and legislative requests of the administration. The administration has requested authorization of $5.9 billion for the foreign affairs agencies. This is a 21-percent increase, or $1 billion over the fiscal year 1991 appropriation. But I will discuss shortly why this apparent large increase represents a funding level at or below the inflation rate in the operations of our foreign affairs agencies. Furthermore, while the bill comes in $110 million above the administration's request, that increase is primarily in the area of refugee funding, which will be fully offset within the foreign aid process, which is where this function is appropriated.

The major part of the increase in the administration's request, $425 million, is for 4 years worth of arrearage payments to international organizations. Although all arrearage funds would be authorized for fiscal year 1992, a provision in this bill prevents more than one-quarter of that amount from being provided in any one fiscal year. Thus, the real increase in the U.N. arrearages account is no more than $106 million.

There are two other areas of apparent large increases, both in the State Department building and maintenance account. The request includes a $327 million increase for the new Moscow Embassy and regular building account. The increase for the regular building program would go toward replenishing a largely depleted multiyear capital construction account. So while this is a real increase in terms of authorization and appropriation, it will not increase outlays above the current level. And for the Moscow Embassy account, this is an issue of such size and importance that it will simply have to be considered separately on its own merits.

Excluding outyear U.N. arrearages, recapitalization of the State Department building account, the refugee increase, and Moscow Embassy, the real increase in this bill shrinks to 8 percent or about current services given the higher rate of overseas inflation. The operational accounts of USIA and BIB, in fact do not even fully account for inflation.

The subcommittee only made substantive shifts of $24 million within this bill of $6 billion without increasing the total amount. The one important exception to this is the increase in the refugee account, which I have already mentioned. Most of the $24 million in shifts between accounts was to move funds from capital to operational accounts to maintain the State Department's day-to-day operations at current services. Some of these shifts, however, were to fund specially-favored projects that were not requested by the administration which I will refer to later.

Again, the one exception to rule of using cuts to fund specific increases is a $110 million increase in the refugee account the chairman added to the bill without offsetting reductions. The committee was concerned that the administration's requested level for the refugee account would prove to be inadequate due to dramatic new refugee needs in the Middle East, the Soviet Union, and elsewhere that had occurred since the budget was drafted. I did not object to this add on with the assurance that offsets would be found within the foreign aid process.

I would also like to highlight several initiatives I included in this bill during subcommittee and committee consideration. One of these provisions requires increased competition in the USIA grant making process. A recent USIA Inspector General report revealed that more than 77 percent of all USIA grant funds are awarded without competition. Other initiatives include:

A study by the State Department Inspector General on the Department's severe weaknesses in security issues;

An additional study by the State Department IG on the reasons for the Department's refusal to comply with deadlines in a sexual harassment amendment I included in the last authorization bill;

Improvement in the National Endowment for Democracy's financial procedures and grant evaluation process; and

Improvement in the State Department's procedures for billing other agencies for shared administrative costs.

I do, however, have two major areas of concern in this bill. While the operational accounts of the foreign affairs agencies are generally held at or below current services, the bill does include, as I have stated, several areas of large increases. The bill contains a number of increases in politically favored accounts that simply cannot be justified on their merits. Among them are:

A 30 percent increase for the Asia Foundation to $18 million;

Earmarks in fiscal year 1992 and fiscal year 1993 to, in the words of the provision's sponsor, "internationalize western New York" by funding so-called cultural exchanges in association with the 1993 World University Games in Buffalo;

An earmark of $10 million for a new "North/South Center" at the University of Miami for unspecified meetings and exchanges among academics in the Western Hemisphere; and

Creation of yet another unnecessary bureau at the Department of State;

I also note that at a time when the National Endowment for Democracy has come under strong criticism by the GAO for poor financial accounting, NED is getting 20 percent increase in funding to $30 million. This comes in addition to the 50 percent increase NED received over the past 2 years.

I have left my greatest area of concern about the bill for last. That relates to the disposition of our partially completed, bug ridden new embassy building in Moscow. This issue is of such grave importance to the security of our most important and most sensitive embassy that I will oppose this bill if it is not corrected, and I would urge my colleagues to do so as well.

At the appropriate time, I will be offering an amendment to resolve this serious problem, and will discuss the issue in more detail at that time. My position on this issue, however, is well known. I just hope that this body will find the courage to do what is right.

So unless improvements are made in this legislation, I cannot recommend it to my colleagues. I will reserve final judgment until the end of our consideration of this bill.

Again, I would like to express my appreciation to the new subcommittee chairman, Mr. BERMAN, for his energy and willingness to listen, even though we have had different views on various aspects of this legislation. I would also like to thank my colleagues on the Subcommittee on International Operations and at the full committee who have put in a tremendous amount of work on this bill.

Finally, I appreciate the support our subcommittee has always received

from the full committee chairman, Mr. FASCELL, and the ranking Republican, Mr. BROOMFIELD. It may have been 6 years since this House has been able to convince the other body to pass a foreign aid bill, but we have never failed to enact into law this legislation, which is the committee's second important authorization bill.

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

□ 1800

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume simply to tell the body and my colleague, the gentlewoman from Maine [Ms. SNOWE], that, notwithstanding our controversy over this particular issue, that it has been a pleasure to work with her in putting together a bill which I think has some points of small disagreement, but by and large reflects a basis of consensus and agreement between the two of us in a large number of new changes in the law, other than, of course, this one controversial issue with respect to the Moscow Embassy. I will not get more into that discussion this evening, but rather wait for the amendments which I expect to be forthcoming tomorrow.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. FASCELL], the chairman of the full Committee on Foreign Affairs who has given us great support in all of this, including a quick markup and a chance to be on the floor relatively early in the calendar.

Mr. FASCELL. Mr. Chairman, I rise in strong support of H.R. 1415, as amended, the Foreign Relations Authorization Act for fiscal years 1992 and 1993. This legislation was ordered reported by the Committee on Foreign Affairs on April 30, 1991 by voice vote and represents the product of many weeks of work on the part of the full committee, the Subcommittee on International Operations, and the executive branch. I would like to commend the gentleman from California [Mr. BERMAN], the chairman of the subcommittee, and the gentlewoman from Maine [Ms. SNOWE], the ranking minority member, for their diligence and leadership in bringing this legislation before the House. I would also like to thank the chairmen of the other committees that had jurisdiction over portions of this legislation, including the Committee on the Judiciary, the Committee on Post Office and Civil Service, and the Committee on Ways and Means, for their assistance in expeditiously resolving issues regarding these provisions.

I would like to note at the outset that the Committee on Foreign Affairs has, both in this legislation and in its current consideration of foreign assistance legislation, abided by the ceilings established by the Budget Enforcement Act and contained in the House-passed budget resolution for the international affairs function. Although these ceilings are not binding on authorization bills, I believe it is important for the authorizing committees to make judgements on the appropriate levels for any given program in the context of those ceilings. Therefore, we have kept this bill, with some minor readjustments within program levels, at the executive branch request, which constitutes the ceiling contained in the House-passed budget resolution. The only exception to that has been the committee's increase of approximately $110 million for migration and refugee assistance over the executive branch request. This increase for an account which the committee believes is underfunded in the President's budget will be offset from other foreign assistance accounts and programs during the committee's consideration of foreign aid legislation.

In addition to the authorizations of appropriations contained in this legislation, the bill before us provides the Department of State and USIA with a number of new administrative authorities which were requested by the executive branch. These new authorities will give the executive branch added flexibility in certain areas to better manage programs and personnel. In addition, H.R. 1415 contains various important congressional initiatives designed to enhance our oversight of the operations and management of our foreign affairs agencies.

The most controversial item in this legislation is the provision dealing with the new Embassy office building in Moscow. This is an issue which the Committee on Foreign Affairs and the Congress have been grappling with and been trying to come to closure on for the past 6 years.

The legislation, as agreed to by the committee, authorizes $130 million in fiscal year 1992 and $85 million in fiscal year 1993 for the "Top Hat" solution which has been requested by the executive branch. This option involves tearing down the top two floors of the existing building and replacing them with four secure floors. As has been conveyed to us several times in the past months, this is the preferred option of the executive branch. In a letter from the Secretary of State and the Director of Central Intelligence to the Speaker of the House dated yesterday, the executive branch "believes that the Top Hat option, as provided for in sections 101(a)(7) and 132 of the bill reported by the Committee on Foreign Affairs, takes account of the full range of views and offers the most promising solution to meet our urgent needs for a safe, secure new facility. Should the House fail now to support the Committee language on Moscow, we could risk an impasse which would prevent us from moving ahead for the foreseeable future."

Now, Members have been split over the issues of whether or not it is necessary to tear down the entire building in order to provide enough secure space for U.S. diplomatic personnel in Moscow since the bugging of the Embassy came to light in 1985. But I believe that the language that is contained in the bill before the House more than adequately addresses U.S. security concerns in Moscow.

Of the 263 total U.S. diplomatic and consular posts overseas, 139 are operating at a top secret level, 63 at the secret level, 33 at confidential, and 28 are unclassified. In none of these 263 posts is the entire Embassy building approved for the most sensitive national security and communications operations. Like all U.S. posts overseas, the Top Hat option authorized by this legislation provides a core area which will have restricted access and where these most sensitive activities will take place. Like all other posts, classified conversations will be permitted only in approved treated conference rooms. Like all other posts classified documents will be allowed in the lower floors only as long as they are properly stored in approved safes.

Some will make the argument that because the Top Hat option leaves the four lower floors standing, the level of security in the building will be unacceptable. However, this lower level of security for these areas is consistent with the configuration of all other U.S. diplomatic posts overseas that are certified for classified operations. And, as in all other posts overseas, these areas are considered compromised and will be treated as such. In addition, security in these noncore areas will be somewhat easier because we do not allow any foreign service nationals to work anywhere within the new office building.

There are several issues that for one reason or another were not addressed in this legislation which I think are important for the Members to be aware of. One of these is the important role played by inter-American organizations in hemispheric affairs. Taking into consideration the long-term commitment by the United States to the affairs of this Hemisphere and the need to build further upon the linkages between the United States and its neighbors, I believe that the State Department should pay particular attention to funding levels of the inter-American organizations when allocating resource levels in the international organizations account. The work done by these organizations has been of great benefit to the region and the U.S. itself has experienced a positive return from their efforts.

Another issue of concern is an ongoing building problem at the U.S. consulate in Mazatlan, Mexico. Currently, the U.S. officials serving in Mazatlan occupy two separate buildings both of

which do not meet the minimum security requirements of the Department of State and have serious maintenance problems as well. The committee has been informed that a new consulate building has been identified that, although not fully up to standard, would be a vast improvement over the current buildings and would, in FBO terms, require a modest investment to complete. This site has been identified for the past 6 years, yet the Department of State has still not resolved this problem.

The committee, in offsetting some of the increases for other programs within this legislation, made some reductions in the foreign buildings account. For that reason, it was decided not to address this specific problem legislatively. However, I would urge the Department of State to examine this problem and, if possible, resolve it as expeditiously as possible.

With respect to a provision contained in the refugee and migration section of the bill dealing with displaced Armenians, I would note that it is not a traditional use of refugee funds to provide assistance to displaced persons within their country of origin. Although it would be more appropriate to provide assistance to this group through foreign assistance funds, providing for housing and other reintegration assistance, the provision in this legislation provides flexibility to the executive branch to use migration and refugee assistance funds for this purpose if the International Committee for the Red Cross or other appropriate international organizations begin administering programs for this population. Given the rest among minority groups within the Soviet Union, it is possible that other, similar situations may develop in that country where U.S. assistance to a displaced population may seem desirable. But I believe that any future requests for such funding should be directed more appropriately to the development assistance accounts of the foreign affairs budget.

Ms. SNOWE. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise to express my support for this measure, H.R. 1415, authorizing appropriations for the Department of State, although I do have one major reservation, which I shall address. I commend the distinguished chairman of our Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL], the distinguished ranking Republican member of the committee, the gentleman from Michigan [Mr. BROOMFIELD]; as well as our new chairman of the Subcommittee on International Operations, the gentleman from California [Mr. BERMAN]; and our ranking Republican, the gentlewoman from Maine [Ms. SNOWE] for their diligent, expeditious work on this critically important measure.

This bill provides a 2-year authorization of appropriations for the State Department, and 1 year for the U.S. Information Agency and the Board of International Broadcasting. It also contains related provisions which affect the operations of those agencies.

Total authorizations for fiscal year 1992 are roughly $5.9 billion, which parallels the administration's request. The total is 21 percent over the fiscal year 1991 level of $4.9 billion.

I am pleased that this bill provides increased flexibility for the administration in a number of key areas, but I am dissatisfied with the State Department's handling of the Moscow Embassy reconstruction provisions. Through Ms. SNOWE'S leadership, our subcommittee has scrutinized the problem of the technically compromised Moscow Embassy new office building for several years. It is clear to me and obvious to many of our Republican colleagues that the so-called top hat solution is unacceptable. It is clear to me that the only solution to this insidious problem is to tear the structure down, and rebuild it—and this time bug free.

Three expert studies undertaken by the State Department recommended tearing down the existing building, and starting anew and making a secure embassy. Our intelligence agencies' studies have told us to tear down the building. The State Department in the past has endorsed tearing down this insecure building, and it has only recently shifted its position to exercising what it calls the top hat option of adding four new floors to an existing eight-story building stating that their only reason for not going along with the better tear-down option was their concern for getting approval by the Congress.

Mr. Chairman, I urge my colleagues to avoid being penny-wise and dollar-foolish. There is not that much difference in the cost of the new structure compared to adding the top hat, and there is not that much difference in the time that it will take to build a new building compared to adding a few extra floors. The gentlewoman from Maine [Ms. SNOWE] urged tear down and rebuild by way of an amendment which will be offered tomorrow, and it is something that I urge my colleagues to fully support.

I say to my colleagues, "Let's not put icing on a burned cake, and that's what we'll be doing by adopting the top hat proposal."

The Moscow Embassy is too important a facility to accept anything less than a fully secure embassy, and I thank the gentlewoman from Maine [Ms. SNOWE] for yielding.

Mr. BERMAN. Mr. Chairman, we have no further requests for time, and I reserve the balance of my time.

Ms. SNOWE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I would like to take this opportunity to thank the distinguished chairman and ranking member of the Foreign Affairs Committee, Chairman FASCELL and Mr. BROOMFIELD, and the chairman and the ranking member of the Subcommittee on International Operations, Mr. BERMAN and Ms. SNOWE for their support of my amendment in the Foreign Relations Authorization bill. Representative NITA LOWEY and myself are eager to urge the Arab nations to end their state of war with Israel.

Since Israel's birth, the official state of war declared against her by the Arab States has been a major stumbling block preventing true peace. It is time that the Arab nations unconditionally recognize the sovereignty of Israel, end the Arab boycott, and establish formal diplomatic relations. The State Department report on these key issues will bring that area closer to a true and lasting peace.

Again, I thank all of the distinguished members of the Foreign Affairs Committee who helped and assisted with this effort.

Mr. BROOMFIELD. Mr. Chairman, This bill basically provides 2-year authorization of appropriations for the State Department, and 1 year for the U.S. Information Agency, and the Board for International Broadcasting. It also contains related legislative provisions including changes to permanent law affecting the operations of these agencies.

Total authorizations for fiscal year 1992 are some $5.9 billion, which tracks the administration request and is in line with the budget agreement. The total is 21 percent over the fiscal year 1991 level of $4.9 billion. This is mainly explained by one-time, nonrecurring charges which include: Partial payment of U.N. arrearages; replenishment of the State Department building fund; and funding for a new Embassy building in Moscow.

The agencies which are funded through this bill are generally held to current levels of funding, after adjustments for inflation. The only exception is a $110 million in migration and refugee assistance funds—supported by the administration—which will be offset by a cut in foreign assistance. Fiscal year 1993 numbers for the State Department are based on the inflation adjustment.

This bill provides increased flexibility in administrative areas, as requested by the administration for management and budgetary reasons. It also includes new provisions to increase accountability and efficiency of operations.

The major issue on this bill is the fate of the bug-infested new office building at the U.S. Embassy in Moscow. At administration request, the committee proposes to provide authorization—$130 million in fiscal year 1992 and $85 million in fiscal year 1993—for only a partial reconstruction under a recent plan known as Top Hat. Many Republicans oppose this approach and would prefer to tear down the building and replace it. The ranking member of the Subcommittee on International Operations, Ms. SNOWE, will offer an amendment on this subject.

I wish to congratulate Chairman FASCELL, as well as Congressman BERMAN and Congresswoman SNOWE with the subcommittee, for their diligent work on this legislation. The administration supports its passage, although it has taken note of some additional issues that need to be addressed prior to sending the bill to the President. I am pleased to say that, thus far, we have received good cooperation on these matters—and indeed all aspects of this bill—and expect to continue with refinements in the weeks ahead.

Mr. FISH. Mr. Chairman, I welcome this opportunity to comment on section 104 of H.R. 1415—which authorizes funds for migration and refugee assistance.

The United States appropriately responds to world refugee crises both by providing assistance to refugees in different parts of the world and by facilitating the admission of refugees to our own country. Over the course of many years, I have derived tremendous personal satisfaction from the opportunity to help shape a generous U.S. refugee admissions program—a program that gives expression to our humane values and sets an example for other countries. I recognize, however, that U.S. refugee admissions can provide a solution for only a very small percentage of the world's refugees—limited numbers of those for whom local resettlement or repatriation is not an option. Therefore, our ability to help alleviate the suffering of millions depends on our providing basic assistance to refugees overseas.

The Committee on Foreign Affairs is to be commended for recommending significant increases in worldwide refugee assistance levels—a necessary response to regional developments that place populations in peril. The authorization levels in section 104 of H.R. 1415 are an expression of an enhanced American commitment to helping refugees in East Asia, Africa, Near East/South Asia, and in our own hemisphere.

Section 104 includes $75 million earmarked for refugees resettling in Israel. We all recognize the great challenges faced by the State of Israel, a small country with very limited resources, in resettling hundreds of thousands of Jews from the Soviet Union and other countries. Those of us in the Congress who have fought for the right of Jews to emigrate are anxious to help Israel with this critically important humanitarian undertaking.

The migration and refugee assistance provisions of H.R. 1415—which include funds authorized for U.S. refugee admissions—merit the support of my colleagues in this body. Section 104 advances the foreign policy interests of the United States and reflects the compassion of the American people.

Mr. GREEN of New York. Mr. Chairman, I am pleased today to rise in strong support of H.R. 1415, a bill which authorizes appropriations for the U.S. Department of State. There are a number of significant provisions in this legislation, and I should like to take this opportunity to highlight some of them.

H.R. 1415 greatly enhances the priority our Nation assigns to refugee assistance worldwide, authorizing $600 million for fiscal year 1992 and $650 million for fiscal year 1993 for migration and refugee assistance, an increase of $109.443 million above the President's 1992 request. According to the Department of State, the size of the worldwide refugee problem nearly doubled during the 1980's, growing from 8 million in 1980 to over 15 million by the end of 1989. The beginning of the 1990's has only seen this crisis deepen, as appalling human rights developments in Iraq, Somalia, and Cambodia have caused the global refugee population to swell. Armed conflict in Afghanistan, El Salvador, Mozambique, Liberia, Somalia, the Sudan, and elsewhere continues to generate the majority of the world's refugees. Estimates are that there are now over 18 million refugees worldwide.

Within the overall $600 million for assistance in 1992, H.R. 1415 recommends $60 million for refugee aid in East Asia, noting the alarming developments in Cambodia and the plight of Cambodian refugees on the Thai-Cambodian border. The bill also makes special note of the plight of displaced Burmese and Burmese refugees in Thailand, and urges the administration to enhance their efforts to protect those Burmese in Thailand who cannot return to their nation for fear of persecution. To assist Jewish refugees, the bill authorizes $75 million for the resettlement of Soviet and other refugees in Israel, in recognition of the daunting task facing that nation as it absorbs hundreds of thousands of new immigrants. In 1990, more than 180,000 Soviet Jewish men, women, and children went to live in Israel, and it is expected that in 1991 that number will vastly increase. H.R. 1415 also earmarks $5 million in each fiscal year for migration assistance to displaced Armenians resettling in Armenia.

On another significant issue, the legislation before us today requires the State Department to report on an enhanced U.S. diplomatic presence in the Baltic Republics, a provision I strongly support. This modest but important provision should serve to strengthen further the United States' commitment to Baltic independence.

There are two provisions in this legislation of particular concern to New York. First, the bill provides for a $2 million increase over the President's request for protection of foreign missions in the United States in order to meet unpaid local government claims. As you may know, the city of New York receives reimbursement for extraordinary protection provided to foreign dignitaries visiting or posted to the United Nations and its missions. That reimbursement covers only extraordinary services above and beyond services provided to local citizens. It is important to note that any such services are requested by the State Department and the level of security is approved by them. On at least two occasions in recent years, the city of New York was not reimbursed for claims because funds were exhausted. The $2 million increase is welcome, and I commend the Foreign Affairs Committee for addressing this issue.

Additionally, this legislation authorizes $2 million in each of the next 2 fiscal years for cultural and exchange-related activities associated with the 1993 World University Games to be held in Buffalo, NY. The World University Games is an international amateur sports competition that will draw over 7,000 student athletes from 120 nations to western New York.

In short, I believe the Foreign Affairs Committee has done an admirable job in crafting this important legislation, and I urge the full support of my colleagues.

Mr. LEVINE of California. Mr. Chairman, I rise in strong support of the provision in the State Department authorization bill which authorizes $600 million in fiscal year 1992 and $650 million in fiscal year 1993 for migration and refugee assistance. The increase in assistance over the administration's request reflects the need for enhanced efforts to respond to the world's burgeoning refugee population, especially in the wake of the gulf war.

In particular, the $75 million earmarked for transporting, resettling, and absorbing refugees in Israel is critical in light of the precarious conditions minority groups face in both the Soviet Union and Ethiopia today.

The low level of Jewish emmigration from Ethiopia and the squalid conditions Jews are forced to live in are deeply disturbing. Some 18,000 Ethiopian Jews are now in danger of being trapped in the crossfire of escalating civil war in that country.

The historic immigration of Soviet Jews to Israel also faces tremendous challenges ahead. In the coming 5 years, the Government of Israel must create 600,000 new jobs, build 260,000 new housing units, and widen the economic, educational, and social base of the nation by rates greater than 25 percent. This immigration is comparable to the United States absorbing the entire nation of France.

With the atmosphere in the Soviet Union today of volatile and violent political instability, economic collapse, the resurgence of the Soviet right, and a proliferation of anti-Semitic scapegoating, the need to assist in this critical immigration has become extremely urgent.

Already we are beginning to see disturbing signs in Soviet emigration policy. There are longer delays in processing and arbitrary denials by the OVIRS of exit visas to Soviet refugees already accepted to the United States.

Consequently, this bill addresses these recent setbacks by providing funds for Soviets, East Europeans, and Ethiopians to immigrate and resettle in Israel as expeditiously as possible.

I strongly urge my colleagues to support this important provision which may save the lives of thousands of imperiled peoples throughout the world.

Mrs. MINK. Mr. Chairman, I come to this Chamber disappointed today that this bill did not provide for an increase in funding for the East-West Center in Honolulu, HI. Currently funded at $23 million, in reality the Center needs $26 to $28 million to continue operations in a manner of excellence.

The East-West Center is the fulfillment of a vision once set forth by this Congress to "promote better relations and understanding between the United States and the nations of Asia and the Pacific through cooperative study, training, and research." And over the years the Center has truly become a place where the East meets West, a place where students of all cultures come to exchange ideas and hopes for the future of the Pacific region and the world.

Since the East-West Center was first created, the importance of the Asian and Pacific nations and their contributions to the world

continues to grow. The economies of our nations have become integrated and communication and understanding between nations is essential in our continued relationships.

Many of the graduates of the East-West Center have facilitated the relationship among these countries and are currently shaping the future of the United States, Pacific Rim, and the world. More than 27,000 graduates of the East-West Center are working in government, education, the private sector, journalism, and the arts throughout the world.

Distinguished alumni include former Prime Minister of Korea, Duck-Woo Nam; President of the Federated States of Micronesia, John R. Haglelgam; President of Taiwan, Teng-hui Lee; author and economist, Clyde Prestowitz; president of the Asia Foundation, William P. Fuller; Director of the U.S. Bureau of the Census, Barbara Everitt Bryant; former U.S. Secretary of Defense, Robert S. McNamara; and Pulitzer Prize-winning political correspondent and columnist, David Broader, to name a few.

The East-West Center provides a valuable forum for the formulation of policies affecting the Pacific region, organizing such initiatives as the United States-Pacific Islands summit attended by President Bush last fall. Other efforts include work in energy and environmental policy, population control, and economic development.

As we face tougher competition with our Asian and Pacific neighbors, the knowledge and understanding of these nations and cultures will ensure our ability to compete on equal ground. This is why I am disappointed today in the lack of additional funding. The achievements of the East-West Center and its potential for even greater accomplishments, providing the opportunity for the students of our Nation to gain first-hand experience working, learning, and cooperating, with students of the many nations of Asia and the Pacific rests in being adequately funded.

Mr. Chairman, I urge this Congress to adequately fund the East-West Center. It is important to the students attending the East-West Center today, it is important to the future students of the Center, and it is important to our country and the world.

Mrs. LOWEY of New York. Mr. Chairman, I rise in strong support of H.R. 1415. I am especially pleased that the members of the Foreign Affairs Committee have seen fit to include a section of this bill which requires the U.S. State Department to report on the progress which the Arab States in the Middle East have made toward recognizing the State of Israel, ending their state of belligerency with and their economic boycott of Israel, and entering into negotiation with this important ally. This section is based on a resolution, House Concurrent Resolution 88, which I introduced with Congresswoman ROS-LEHTINEN. House Concurrent Resolution 88, which has over 160 cosponsors, sends a clear message about the future course of peace in the Middle East. The message of that resolution and this bill is that the Arab States must take several specific actions for true peace to come to the Middle East.

Despite all of the talk of a unique window of opportunity for peace, with the exception of Egypt, there is not a single Arab country that has made any sort of indication that it is serious about peace. The Arab States have not even recognized Israel's right to exist as a sovereign nation. They have refused to end their state of belligerency with Israel. Not only do they continue their economic boycott of Israel, but they also have not made a firm, unequivocal commitment to ending the secondary boycott of companies which do business with Israel.

Secretary of State Baker has been talking to leaders of both the Arab States and Israel in a mission to try and bring peace to the Middle East. Syria has refused to participate in a peace conference without being able to dictate its own terms to Israel. And the gulf states have decided to send an observer to the conference instead of participating directly.

All along, Israel has consistently invited each of the Arab States to sit down and negotiate directly for peace. If the Arab States are serious about wanting peace in the Middle East, then they must at least take the first serious step in that direction by recognizing Israel's right to exist. Israel cannot be expected to negotiate with parties that seek its destruction. None of us would do that. And we must make clear that this is the only way that peace in the Middle East will become a reality. To do otherwise, is to ignore reality. I urge all of my colleagues to support H.R. 1415.

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

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

Mr. BERMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FASCELL) having assumed the chair, Mr. SWIFT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1415) to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes, had come to no resolution thereon.

□ 1810

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1415, the bill just under consideration.

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

There was no objection.

CARTER FOREIGN POLICY LEGACY

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

Mr. MCEWEN. Mr. Speaker, the editor of the New York Times, A.M. Rosenthal, in his article this morning makes some interesting observations about our former President.

Jimmy Carter went to Communist China. He made a speech to Beijing's diplomatic trainees. He spoke privately to China's leaders.

Beijing's taste for murder, aggression, and death-trade profits is a hot political issue in Congress. But Mr. Carter advises us not to be so "self-satisfied" about such rights as freedom of speech, press, and religion.

After all, the former President points out, the Communist Chinese and leaders of other Socialist countries have correctly placed their emphasis where it belongs, on ideas that the United States neglects, like the right to have a decent home, job, and adequate health care.

□ 1210

Well, neither Mr. Carter's speech nor his advice to the butchers of Beijing were carried in the Chinese press, radio, or TV The outside world only knew about it because there were correspondents from the free world that were able to report it in the American press.

More embarrassing, 2 days later the Wall Street Journal points out from Beijing that there are at any given time 30 to 50 million people roaming the countryside looking for any of the three things, jobs, houses, or medical care.

In case we forget about the great contributions of Mr. Carter, whether it be in Nicaragua, the Panama Canal, giving it to Trujillo and Noriega, whether it be overthrowing the Shah and installing the first Shiite regime under Khomeini, many benefits that he left the world, not the least of which he continues to embarrass us internationally.

[From the New York Times, May 14, 1991]

FOR CHINA: ACTION NOW

(By A.M. Rosenthal)

Jimmy Carter went to Communist China. He made a speech to Beijing's diplomatic trainees. He spoke privately to China's leaders.

Always, he says, he made a point of supporting amnesty for some political prisoners and the right of Chinese students abroad to visit their country and leave again.

Then Mr. Carter returned to Atlanta, and promptly advised the United States to continue the special privilege of minimum tariffs that allows Communist China to sell $15 billion of goods to us annually, about three times more than it buys.

Of course, under various laws and regulations the U.S. is not supposed to give those privileges to countries that do not allow its citizens to come and go freely or which generally act like beasts from hell. Law or not, most Americans would hardly favor giving those privileges to a country that specializes in slave labor, or which occupies and tortures another nation as China does Tibet.

The lowest-tariff privileges, known as most-favored nation status, are supposed to be for friends, not operators of countrywide gulags.

Oh, we get around that, we do. The President just waives the whole thing every year

and Beijing goes on selling us the goods it needs to preserve the Communist dictatorship.

But Mr. Bush has to make up his mind any day now on whether he will waive again or state the simple truth that Beijing is in violation of American trading laws and every international human rights agreement.

What with additional disclosures of Communist brutality coming in from China and Tibet every day, and with Beijing shipping nuclear weapon ingredients and technology or missiles to countries all over the world, waiving is becoming more awkward.

China clearly intends to become a major nuclear and missile supplier which would give it political as well as economic clout. So far it has supplied nuclear material or missiles to Pakistan, Algeria, India, Brazil, Argentina, Syria and South Africa.

Beijing's taste for murder, aggression and death-trade profits is a hot political issue in Congress. The majority wants to grab Beijing's attention by attacking the tariff privileges.

But Mr. Carter advises us not to be so "self-satisfied" about such rights as freedom of speech, press and religion. After all, the former President says, the Communist Chinese and leaders of other "socialist" countries points out "correctly" that in their countries certain rights are respected that the U.S. neglects—like the right "to have a decent home, a job and adequate health care."

Naturally, neither Mr. Carter's speech nor his advice to the butchers of Beijing were carried by the Chinese press, radio or TV. The outside world knew about it only because of the reports of foreign correspondents in Beijing, printed by the free American press about which we are so unbecomingly self-satisfied.

More embarrassing: Two days after Mr. Carter's Op-Ed comments about human rights in the "socialist countries" were carried in The New York Times, The Wall Street Journal reported from China that not all Chinese have jobs, houses or medical care and in fact between 30 and 50 million of them are wandering the countryside at the moment, searching for any of the three.

So despite Mr. Carter's advice, many members of Congress are demanding that tariff breaks end next year unless the President testifies that Beijing is granting full human rights in China and Tibet and is getting out of the death trade.

But in separate bills, Senators Daniel P. Moynihan of New York and Jesse Helms of North Carolina are calling for immediate cancellation of the tariff privileges.

Some journalists and Americans in the China trade say that action at once would isolate China. That's a tired argument, historically false. Refusing those privileges to the governments of countries like the Soviet Union or Nicaragua isolated not the people, only the rulers they hated.

There would be a majority for certain action now, not possible action next year, except for fear of a Presidential veto. But human rights advocates in Congress think they could override a veto on a milder bill, to delay action another year but still leave the waiver with the President.

Maybe that is simply human rights politics. But the Communist lords of China have failed for almost a half-century to give their people real human rights, "socialist" or otherwise. It is past time for the United States to refuse to subsidize political tyranny any longer. That is simply human rights truth.

A HISTORIC AGREEMENT IN MEXICO: ENVIRONMENTALISTS, TIMBER INTERESTS, AND FOREST SERVICE AGREE

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

Mr. RICHARDSON. Mr. Speaker, in Mexico this past weekend a historic agreement took place between timber people, environmentalists, and the Forest Service.

Yes, it really did happen.

Several mills had shut down in Mexico because of endangered species, because of the Forest Service policies, and also because of the low market of timber. The New Mexico congressional delegation got environmentalists, timber people and the Forest Service together and said, "Work on an agreement to protect the environment and preserve jobs, or else we will introduce legislation."

After 7 days of negotiations, an agreement was reached. Environmentalists dropped some lawsuits, the timber companies got a stable supply of wood, the Forest Service gave clear direction to the Santa Fe National Forest, and what resulted was an agreement that reopened mills, protected the environment, and gave clear direction to the Forest Service.

Mr. Speaker, it can be done: Environmentalists do care about jobs, timber people do care about the environment, and the Forest Service has given direction that could make a difference in setting clear policy.

Mr. Speaker, I would also ask that a copy of the agreement reached by the Timber Task Force be inserted in the RECORD, as well as two articles on the agreement from the Albuquerque Journal and the Santa Fe New Mexican, respectively.

NEW MEXICO CONGRESSIONAL DELEGATION TIMBER TASK FORCE, MAY 10, 1991

The New Mexico Congressional Delegation Timber Task Force recommends that the following agreements be implemented as a means of addressing the short-term charge as defined in the Delegation letter dated April 11, 1991. The Task Force was charged with submitting recommendations within 30 days on "such actions that will forestall mill closures while complying with all applicable environmental regulations, laws and policy."

THE SANTA FE NATIONAL FOREST

A. The Forest Service agrees to:

1. Complete by the end of 1993 a timber reanalysis of the Forest Plan as it relates to Allowable Sale Quantity, timber offering schedules, pertinent standards and guidelines, and impacts to associated resources. This re-analysis will be carried out by means of a public process, consistent with National Environmental Policy Act and Council on Environmental Quality regulations, with a notice in the Federal Register. The Forest Service will consult with the public, environmental community, industry and appropriate agencies in development and preparation of all stages of the Analysis. The question of whether an Environmental Impact Statement is required will be answered by the analysis.

The Task Force anticipates that this reanalysis will require additional appropriations and recommends that the Congressional delegation assist in insuring the proper level of appropriations.

2. Meet the requirements of the "MacCleery Decision" during the re-analysis regarding economics of the timber sale program.

3. Address in the context of the timber reanalysis the habitat of Jemez mountain salamander, northern goshawk and Mexican spotted owl, old growth, economic considerations and other issues that have arisen or may arise or have changed significantly since preparation of the Forest Plan.

4. Continue planning efforts to offer sales in fiscal year 1991, including but not limited to the following: Gurule, Lagunitas, Tecolote, Pinabetal, Calaveras, Bonito, Bonco 1, Bonco 2, and Sanchez.

5. Consult with the New Mexico Department of Environment on water quality issues on the proposed Pinabetal Timber Sale and fully consider their proposals in developing all alternatives.

6. Not bring forward the shortfall timber volume (known as the "bubble") from previous years into fiscal years 1992/1993 sale offering. The 1991 schedule will remain as is. Total volume for 1992-93 will not exceed 78 Million Board Feet (MMBF).

7. Delay a Decision Notice on the Calaveras timber sale until June 10, 1991, and before that date invite the Task Force to engage in a consensus process regarding this sale. Whenever the conferencing requirement with US Fish and Wildlife is triggered, the Forest Service will expedite the process.

8. Reconsider the timber sales within the Creek Diversity Unit in the re-analysis and not offer any sales in this unit until after the re-analysis is completed.

B. The Environmental Members agree to:

1. As of May 10, 1991, withdraw the appeal of the Smokey Bear/San Miguel Diversity Unit Environmental Assessment and not to appeal or litigate any sales covered by this assessment, including the volume not currently a part of either the Trail or Bales sales.

2. Not appeal or litigate Sanchez, Lagunitas, Maestas, Gurule, or Tecolote.

3. Enter into a consensus process with the Forest Service and the Task Force regarding the Calaveras sale, to be concluded before June 10, 1991. The environmental members do not relinquish their rights of appeal and litigation regarding the Calaveras sale.

C. The Department of Game and Fish agrees to work with the Forest Service according to the Master Memorandum of Understanding between the two agencies signed on April 10, 1991, to resolve wildlife related issues on the Sanchez, Lagunitas, Gurule, Tecolote, Pinabetal, Calaveras, Bonito, Bonco 1 and Bonco 2 timber sales. If the Department of Game and Fish concurs that its concerns are adequately addressed, i.e., full consideration is given to fish and wildlife as desirable and co-equal with other resources, the Department of Game and Fish further agrees not to appeal or litigate the above listed timber sales.

D. The Task Force members affirm the following principles:

1. The Forest Service will confer and consult with U.S. Fish and Wildlife Service as required.

2. The New Mexico Game and Fish Department and Forest Service will meet all requirements of the Memorandum of Understanding, dated April 10, 1991.

3. The Forest Service will make a full and reasonable attempt to meet congressionally assigned timber offering levels.

4. This agreement, except where explicity noted, does not imply any waiver of rights of appeal or other legal or administrative resource.

5. Members of the Task Force agree to make a reasonable and good faith effort to encourage colleagues to comply with the terms of this agreement.

OTHER FORESTS IN NEW MEXICO

The Timber Task Force believes that the process that has resulted in this agreement is one that should be continued to deal with all the other forests of New Mexico and commits to further meetings to address remaining short-term and long-term issues. The Task Force commits to further meetings on May 22-23 to resolve short-term issues relating to both the Gila and Lincoln national forests. The Task Force will make every effort to complete its work by June 13, 1991 but may request an extension of time from the Delegation if necessary.

The above recommendations have been agreed to by the members of the New Mexico Congressional Delegation Timber Task Force as indicated below.

Judy Bishop, NM & AZ Parks and Conservation Council; David Henderson, National Audubon Society; Jim Norton, Wilderness Society; Leslie Davis; Peter Spragins, Bates Lumber Co.; Betty Jane Curry, Public Land Users' Association; Jennifer Fowler-Propst, U.S. Fish and Wildlife Service; Charlie Lopez, Western Council of Independent Workers.

George Grossman, Sierra Club; Samuel M. Hitt, Forest Guardian; Art Daley, Stone Forest Industries; Tom Lapinski, Duke City Lumber Co.; Mike Hess, White Sands Forest Products, Inc.; Forrest Carpenter, Deputy Regional Forester, Region 3; Andrew Sandoval, Department of Game & Fish.

[From the Albuquerque Journal, May 12, 1991]

COMPROMISE WILL REOPEN LUMBER MILL

(By John Fleck)

A task force of environmentalists and loggers set aside their differences late Friday and agreed to let some logging continue in the Santa Fe National Forest while protecting several other areas for at least the next year.

The deal, which opens up some federal timber sales in the Jemez and Sangre de Cristo mountains, also will allow Cuba's only lumber mill to reopen and put 50 workers back on the job.

The mill's owner, Duke City Lumber, had shut April 19 because of the restrictions on timber supplies. Tom Lapinski, Duke City Lumber president, said Saturday the agreement opens up enough logging areas in the Jemez Mountains to restart the Cuba mill June 17.

In return, environmentalists won a reprieve for the largely unlogged forests of Elk Mountain, near Las Vegas, and a major reevaluation of future logging in the 1.6 million-acre Santa Fe National Forest.

Before the agreement, environmentalists, led by The Wilderness Society, Forest Guardian, the Audubon Society and Sierra Club, had virtually halted timber sales in the Santa Fe National Forest with repeated administrative appeals.

"We have brought this forest to its knees," said Sam Hitt, director of the Santa Fe-based organization Forest Guardian. "We realized some very special places were being lost, and we started to challenge them."

The agreement does not eliminate the possibility of lawsuits this year over some timber sales. But, Lapinski said of the agreement, "I'm very happy about it.

Lapinski, who serves on the National Forest Products Association's Public Timber Council, called the compromise between the timber interests and the environmentalists unprecedented in national forest logging battles around the country.

"Everybody made some concessions," said Jim Norton, Southwest Regional Director of The Wilderness Society.

Lapinski and Norton served on the 15-member task force brought together April 11 by New Mexico's congressional delegation to resolve the controversy that was putting New Mexico loggers and mill workers out of work.

The task force, which includes timber industry representatives, environmentalists and government officials, met seven times in the past month to work out differences.

The deal follows four years of fighting over timber sales in the Santa Fe National Forest, which encompasses the Jemez Mountains west of Los Alamos and the Sangre de Cristo Mountains east of Santa Fe.

In 1987, the Forest Service adopted an average annual sales cap of 39 million board-feet of lumber for the Santa Fe forest.

Forest officials had hoped to sell between 32 million and 34 million board-feet a year, said forest supervisor Al Defler. But last year, only 17 million board-feet of timber were sold, in part because of environmental protests and, in part, because of the weak construction market.

This year, without the task force agreement, the sales likely would have dropped to between 10 million board-feet (Lapinski's estimate) and 5 million board-feet (Hitt's estimate).

The problem, Hitt said, was that significant wildlife and recreation areas were being readied for logging.

Environmentalists also said logging posed a danger to three potentially endangered species within the Santa Fe forest—the Mexican spotted owl, the northern goshawk and the Jemez Mountain salamander.

Under the agreement, the timber industry will be able this year to cut 20 million board-feet, much of it in the Jemez Mountains near Cuba, without interference from the environmentalists. The average house uses 20,000 board-feet of lumber.

Another 20 million board-feet will be considered for sale. But the environmentalists have reserved their right to file appeals or lawsuits to block sales.

The Forest Service has also agreed not to try to play catch-up by trying to sell more than 39 million board-feet a year between now and 1993.

And by the end of 1993, the Forest Service has agreed to completely reconsider the 1987 Forest Plan, which was to have been in force until at least 1997, and possibly 2002.

The agreement includes a moratorium to logging in the Elk Mountain area until at least 1994.

Elk Mountain, an 11,659-foot peak 25 miles northwest of Las Vegas next to the Pecos Wilderness Area, contains part of the largest undisturbed area of high-elevation Engelman spruce in the West, Hitt said. It is home to the Mexican spotted owl, under consideration by the U.S. Fish and Wildlife Service as an endangered species.

Environmentalists and the Forest Service have been fighting over Elk Mountain for 20 years, Hitt said. Five timber sales and a paved cross-mountain road have been turned back in the past.

The Forest Service agreed not to offer Elk Mountain timber until the forest reevaluation is done in 1993. Environmentalists said they hope the reevaluation will impose a permanent ban on Elk Mountain logging.

With their work on the Santa Fe National Forest complete, task force members will now meet May 22-23 in Las Cruces to discuss the Gila and Lincoln national forests.

[From the Santa Fe New Mexican, May 12, 1991]

PACT ON FOREST WILL PRESERVE ELK MOUNTAIN

(By Mark Utgaard)

The proposed Elk Mountain timber sale—one of the most controversial logging projects in the Santa Fe National Forest—is on hold as a result of an agreement announced Saturday by environmentalists, the timber industry and the Forest Service.

The deal calls for environmentalists to drop their appeal of the planned San Miguel-Smokey Bear timber sale near Cuba, clearing the way for Duke City Lumber to reopen its mill in that town this summer.

The Forest Service also will reassess its master plan for logging in the Santa Fe National Forest.

The planned Elk Mountain timber sale near Pecos will be reconsidered by the Forest Service.

"Elk Mountain will be safe until 1994, if not longer," said Jim Norton, Southwest regional director of The Wilderness Society, an environmental group. "Elk Mountain will be taken right out of the Forest Service's timber program. It is a reprieve."

The agreement came out of a series of mediated sessions of a task force organized by members of the New Mexico congressional delegation. The 15-member task force included representatives of the congressional delegation, environmental organizations, the Forest Service, the timber industry and the New Mexico Game and Fish Department.

The task force was organized at the request of Democratic Congressman Bill Richardson, who expressed concerns about the closing of Duke City's lumber mill in Cuba earlier this year and the layoffs of 50 workers.

As a result of the agreement reached Saturday in Santa Fe, Duke City will reopen the Cuba mill in June.

The environmentalists agreed to drop appeals that have kept the San Miguel-Smokey Bear timber sale area of the Jemez Mountains from being harvested by Duke City Lumber. The company blamed the appeals for the closing of its mill.

The agreement also includes a promise by the Forest Service to reevaluate its master plan for the sale of trees in the Santa Fe National Forest.

The present plan was first proposed in 1983 and was put into effect in 1987. The revised plan will be ready in two years.

The agreement will allow 20 million board feet of lumber to be taken from the Santa Fe National Forest this year and up to 20 million more in coming years.

The future of two other controversial proposed, timber sales were not settled by the task force. The planned logging of the Calaveras and Bonito timber sale areas likely will continue to face appeals, said Sam Hitt of Forest Guardians, one of the environmental groups participating in the discussions.

Hitt called the Calaveras area the Jemez's "last and largest continuous uncut block of forest." It has the highest population of rare Mexican spotted owls found in the bird's northern range.

The task force members agreed to disagree over Bonito, he said.

"It is a dog of a timber sale," he said. The Bonito gets high use as a recreation area and includes the East Fork of the Jemez River, which has been declared a National Wild and Scenic River.

"What we are most pleased about is that the whole timber situation will be revised by 1993," Norton said. "Environmental groups for six or seven years now have been pointing out flaws in existing plans that lead to the conflict that we are in now. Having a commitment from the Forest Service that the flaws will be corrected is a major step forward."

Norton said that when the Forest Service re-evaluates its timber plans, there will be an opportunity for new information to be considered, such as the presence of old-growth trees, the Mexican spotted owl and other rare species like the goshawk and the Jemez salamander.

Members of the congressional delegation praised the work of the group.

"There were no winners or losers in these talks as both sides offered meaningful concessions," Richardson said.

But Hitt said the agreement is not a sign of things to come.

"What we have done here is sacrificed an irreplaceable habitat (the San Miguel-Smokey Bear timber sale area) in exchange for jobs," Hitt said.

"This is a once-in-a-lifetime compromise. You won't see this from Forest Guardians again. Even though jobs are important, what we really need is a new direction from the wood products industry," he said.

Hitt said mills, such as the one at Cuba, are made for cutting large-diameter logs that are now only found in areas of old growth, which are particularly delicate areas.

"There are no more large logs left that aren't valuable to wildlife," he said.

He said that by changing over to equipment that could cut the smaller trees from areas previously logged, there would not be nearly so much conflict between environmental groups and the timber industry.

He said that it is important for rural communities such as Cuba to urge the timber industry to start modernizing its equipment.

The task force group now will direct its attention to the forests in southern New Mexico, Richardson said.

BANKS OPPOSE DEPOSIT INSURANCE INCREASES

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

Mr. ANNUNZIO. Mr. Speaker, in recent weeks, the banking industry has been busy telling Congress and the executive branch that it cannot afford to pay ever escalating premiums for deposit insurance. Despite the fact that the strength of the FDIC has nosedived by over 60 percent in just 3 years, the banking industry now recommends that insurance premiums be limited to 19.5 cents per $100 of insured deposits.

Mr. Speaker, the fact of the matter is that banks have not been meeting their deposit insurance obligations for quite some time now. Since 1986, banks have paid into the FDIC only $9.7 billion, an amount equalling just 38 percent of the $25.8 billion in losses experienced by FDIC during this period.

In response to these shortfalls, Congress enacted legislation just last year to eliminate caps on bank insurance premiums, thereby authorizing FDIC to assess premiums at the level necessary to keep the fund solvent. Less than 12 months later, the banking industry seeks to repeal this prudent legislation.

If premiums are not permitted to keep pace with FDIC losses, taxpayers will get stuck with the bill once again, Mr. Speaker. The banking industry must meet its deposit insurance obligations, not pass them on to the American people.

PRESIDENTIAL LINE ITEM VETO

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

Mr. CAMPBELL of California. Mr. Speaker, I rise to address the House on the question of the line-item veto, a power that I believe the President already has. I would like to address the House on this question because today I introduced a resolution calling on the President to exercise his inherent authority to use a bit of discretion and single out those parts of a bill on which money really ought not be spent and at the same time let the other parts of the bill become law.

The reason why this is so important is because the kind of legislation we have ofttimes ties one spending bill to another and then forces all of us here to vote yes or no on the entire package together. That is not fair, and it is also not a good way to run an economy. We end up voting for something because in general we support it, even though individual parts of it have very little support at all. Indeed, many of us were embarrassed to find the Lawrence Welk memorial in the agriculture appropriations bill last year. Fortunately, I am able to say I did not vote for that bill.

So the issue is this: Does the President have the authority to take a bill that has so many different spending items in it and say, "Look, this particular provision I am not going to support, this one I am not going to sign, this one I veto, but the rest stands"?

Well, I suggest that the language of the Constitution, as well as the inherent scheme of the Constitution, supports the conclusion that he does have that authority.

First of all, the language of the Constitution itself is fascinating, but the specification in the Constitution is that not every bill but every order, resolution, or vote to which the concurrence of the House and Senate may be necessary shall be presented to the President and shall take effect upon his signature or, failing his signature, upon two-thirds of the Senate and House passing it over his veto. I would refer again to that language: "every order, resolution, or vote," So just working from the text, we have an initial statement that the authority of the President is extended to a vote, not simply a bill as we may craft it.

Consider now the scheme we have here in the Constitution's application of our Government. Suppose that at the end of every year we took every bill that passed this Chamber and the other body and combined them together. Suppose we just took everything that came out of Congress, then held it back until the last week and then we gave it to the President for his signature, with 1 week to go before Congress ended its session. Suppose we did that for the whole thing, spending for space, spending for national defense, spending for welfare, spending for roads, and spending for education. Suppose we did it all at once and said to the President, "Here, take it or leave it." In effect we would have taken away the President's veto power. We would have forced him to say yes to the whole thing. Obviously that example demonstrates that we cannot give the President so many different things all in one effort and then force him to say yes or no without essentially taking away that power given to him in the Constitution.

So the scheme of the Constitution supports this, as does the language itself. A rule I would suggest and did suggest in the resolution I introduced today is this: If two provisions went through the House separately, if they were debated separately, if they were considered, for example, in separate committees and then were combined at the end of the process, then the President ought to be able to treat them that way as well as separate bills.

This is not a new concept, by the way. In constitutional adjudication frequently we have to strike down part of a statute and leave the rest of the statute standing. So what the courts have done is to develop an analysis called severability, which is to say: Would the rest of the statute have passed if this provision had never been part of it?

That is exactly the kind of analysis that I would say applies as well when the President wishes to veto a part of a bill.

Lastly, history supports this. Every President from Jefferson down to Richard Nixon has exercised a legislative two-House line-item veto. That is a shocking statement. Why has it not gotten much attention? The way they did it was through what they called the impoundment power. As a typical example, during the early days of our confederation, this would happen when a bill passed to establish three customs houses but only enough money was appropriated for two of them, so the answer was that the President opened only two. This was essentially a line-

item veto. In 1974 we had a revision of the budgeting process. Why that happened is easy to see. President Nixon was at his weakest, and the Congress took back his power which I believe the Constitution gave him. So I believe the Congress took that power back erroneously.

In conclusion, Mr. Speaker, I would like to identify the kinds of expenditures that would be subject to this line-item veto, and under leave to include extraneous matter, I will put into the RECORD a list of the sorts of projects that surely would not stand by themselves if they were put to such a vote. That list is as follows:

PORK PROJECTS IN FISCAL YEAR 1991 APPROPRIATIONS AND RECONCILIATION BILLS

$2 million to construct and sail an ancient canoe;

$850,000 for a bicycle path in Macomb County, Michigan;

$500,000 for planning the Cordell Hull National Historic Site in Tennessee;

$13 million for "America's Industrial Heritage," a theme park in Pennsylvania;

$4.5 million to renovate a theatre in Huntington, W.V.

$995,000 for a private performing arts center in North Miami Beach, Fla.;

$5 million for a parliament building in the Solomon Islands;

$20 million for the International Fund for Ireland, which includes $1.9 million for an "all-Ireland geneology project," $114,000 for a golf video, and $56,000 for two "pony trekking" centers;

$2.8 million for a fish farming station in Stuttgart, Ark.;

$1.7 million to begin turning Biscayne Blvd. in downtown Miami into "an exotic garden";

$13 million for "Steamtown" in Scranton, Pa.;

$1 million for modular furniture in the Senate office buildings;

$6 million to upgrade the Senate subway system;

$25,000 for a study for a location for a new House staff gymnasium; and

$10 million to retire the debt of the privately-owned University of Central America in El Salvador.

Mr. Speaker, I would conclude by just identifying that this is the sort of thing we ought not to be doing, that is, putting in provisions that are of use to only one particular district or one particular constituency but would not stand the light of day. Let us get serious about the budget, let us get serious about our Constitution and our constitutional obligations. I call upon my colleagues to support me in urging the President to exercise line-item veto authority.

THE BRADY BILL

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

Mr. SCHIFF. Mr. Speaker, I am taking the floor again to once again talk about H.R. 7, the Brady bill. I am doing so with some degree of reluctance because I have discussed this matter on the floor before and participated in the debate, and I certainly do not want it believed by my colleagues that I think this bill is so important that I am devoting my career to discussing only this one bill and not paying attention to other matters before us. That certainly is not the case.

The reason I am taking the floor today is that over the weekend I listened to various national news commentaries about the work we did in Washington last week, and on at least two of these programs I heard commentators speaking back and forth and talking about the bill, in my judgment erroneously, stating what was in it, and that is the reason I have asked for a few minutes to speak today.

In discussion about the fact that H.R. 7, the Brady bill, which passed the House last week, does not require a police check during the 7-day waiting period, I have heard commentators say, "Well, at least it provides a cooling-off period." In other words, even if there is no police background check for the prospective purchasers of handguns, at least if the Brady bill becomes law, there will be a mandatory 7-day waiting period so that those who might otherwise commit crimes of passion and anger, or be demented and commit a crime without thinking about it, will be dissuaded for 7 days and may change their minds and not commit that offense.

□ 1820

Well, that simply is not correct in the bill itself. I have to say rather hastily that I never had much stock in that argument when the argument was made. In my experience as a prosecutor, real crimes of passion are committed immediately, almost by definition, with whatever weapon may be available. If that is a handgun, that is a handgun; if that is a kitchen knife, then it is going to be a kitchen knife.

Further, the Brady bill only addressed handguns. So if someone was going to commit a crime of passion with a firearm that they were going to buy from a store, they could buy a rifle and commit the same offense, since the Brady bill does not address rifles.

The main fact is that H.R. 7, the Brady bill, does not contain a mandatory cooling-off period, even though that is still discussed. The bill does provide at the outset a 7-day waiting period for the purchase of a handgun, but it contains an immediate exception, according to its own terms. The bill says that the 7-day waiting period does not apply to any State which now, such as Virginia, or in the future, which I think will be most States in just a few years, has an instantaneous check system between gun dealers and a law enforcement computer.

In other words, where any State now or in the future has a system where when someone wishes to buy a handgun and the gun dealer has a means of telephonic communication with a law enforcement computer to find out immediately if that person is a convicted felon, and therefore barred from purchasing a handgun under existing law, then the 7-day waiting period does not apply.

Right now, that may only be the State of Virginia. But, even so, what that means is if the Brady bill were signed into law today, in the State of Virginia somebody could be mad as heck, and they are not going to take it any more, but if they pass the telephonic check, they get the handgun immediately. So what happened to the cooling-off period is the supporters took it out of the bill by this provision that it does not apply where there is an instantaneous check.

As I said, most people believe that many States will have an instantaneous check system in the next several years.

Mr. Speaker, the point of this presentation is that the Brady bill has passed this House. It will be considered by the other body, and, if passed there, will come back probably for conference, and then possibly go to the White House. I don't know. But the public, in watching what we do, should know for certain what is in this bill, or any other bill, for that matter, and what is not in this bill or what is not in any other bill.

Frankly, they have not been told correctly, at least in the news programs I have been watching.

Mr. Speaker, let me conclude by saying that in my judgment, H.R. 7 passed the House fair and square. I did not support it. In fact, I did not personally support the National Rifle Association-sponsored substitute, H.R. 1412, either. But H.R. 7, the Brady bill, did pass, it passed by a sizable margin, and it properly goes to the other body.

However, I think that what I would ask of this body, of our own House of Representatives, is what more are we going to do? Even the supporters of the Brady bill acknowledge that even if it becomes law, it will have very limited effect. The people expect us to take strong action against violent crime. We have not done it yet.

PROVIDE RELIEF AND PROTECTION TO IRAQI KURDS AND OTHER REFUGEES FLEEING SADDAM HUSSEIN'S REPRESSION

The SPEAKER pro tempore (Mr. LANCASTER). Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Speaker, I come before the body today fully in support and resolved with respect to

the use of United States military forces to provide relief and protection to the Iraqi Kurds and other refugees fleeing the repression of Saddam Hussein. Especially gratifying was the decision to move American forces into position to protect the routes and temporary sites used by the refugees.

I believe that Americans of all political persuasions share this view, and commend the action of the President and the administration to forestall death and suffering on a scale so huge as to be scarcely comprehensible. I think the action of the Congress in providing funding for this shows that we are a caring people and that our hearts are gladdened by the sight of American troops delivering food, ministering to the sick, erecting shelter, and deploying troops to shield an entire people in mortal distress.

The scale of calamity is so vast and the peril so immediate that the U.S. Armed Forces are the only agency capable of rising to the challenge. We believe that even more needs to be done, taking advantage of this moment when our presence in the Middle East has never been stronger.

Mr. Speaker, therefore, in addition to the steps I have outlined, I urge, One, that we continue and expand the scope of humanitarian aid to the Iraqi Kurdish refugees, both inside and outside of Iraq, and enlist the aid of the United Nations in that effort;

Two, direct the U.S. Armed Forces to expand and vigorously enforce the prohibition against Iraqi military operations north of the 36th parallel, and through all of Iraqi Kurdistan. These include the Provinces of Kirkuk, Sulaymaniyah, Arbil, Dahuk, the portion of Ba'qubah Province northeast of the Hamrein Mountains, and those parts of Mosul Province north and east of the Tigris River.

Those who have been watching television in recent days will know this means we have to expand from this small refugee area in the northern part of Iraq to all of that territory which constitutes Iraqi Kurdistan.

Three, we need to use American resources and enlist United Nations aid to facilitate the return of all Iraqi Kurds who fled their homes after the March 1991 uprising, as well as those who previously were forced to relocate in southern Iraq by the regime of Saddam Hussein.

Four, lead a United Nations effort to establish a new government in Iran, which will respect international human rights norms for all Iraqi citizens, including Kurds, Assyrians, Turkomans, Chaldeans, and other minorities.

Five, we must take steps to include the plight of Iraqi Kurds on the agenda of a comprehensive Middle East peace conference.

Mr. Speaker, these steps would single out a commitment to a Middle East policy that accepts the moral obligations that flow from our involvement in that region. Concern for justice, human rights, democratic values, and compassion are not factors to be relegated to peripheral consideration. They must lie at the heart of any settlement. To ignore these considerations would doom the area to a state of continued turmoil. Only by recognizing those unquenchable aspirations can peace and stability be restored.

Mr. Speaker, it might fairly be asked why should we pay attention to people whose name we possibly had not even heard before this war? The reason is that this war is not over and will not be over. The United States, by aiding and assisting in the ejection of the Iraqis from Kuwait, has opened the floodgates of freedom loving people throughout the region to try to attain a measure of justice that we say that we can provide for the emirs and all of those in Kuwait who now find themselves being asked to leave Egypt, for example, from luxury hotels there, and come back to their homeland.

The Kurds are asking the same thing. We will not find ourselves able to be out of this war, to be out of this territory, without the Iraqis reasserting themselves in the territories in a manner which has been the hallmark of the regime in Baghdad ever since it came to power under Saddam Hussein. Saddam Hussein is in power today. Saddam Hussein will be in power when we leave, if we do not take the steps that I have outlined.

Mr. Speaker, we cannot extricate ourselves simply by saying the war is over. It is not over.

My point, Mr. Speaker, is that we will find ourselves in a situation in which thousands upon thousands of Kurds will find themselves in the path of the murderous regime of Saddam Hussein, and we will wonder why did we fight this war? Why did we not have as our object ridding the area of Saddam Hussein. If that was not our object, then what was it? If we did not urge the people of Iraq to rise up in opposition to Saddam Hussein, maybe we would have something to say today about our leavetaking. But we cannot say it, because we did urge them to do it.

Mr. Speaker, that is the reason they had this uprising, and that is the reason we see the refugees on the Turkish border and on the Iranian border.

Mr. Speaker, we must take steps to see to it that the United States carries out its moral obligations with respect to the Kurds, and that we finish the war. The only way it could be finished is by seeing to it that Saddam Hussein is removed from power and the people in revolt against him aided and assisted.

THE NEED TO BALANCE THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER], is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, for some time, we have been discussing in the Congress the need to balance the budget, and there have been so many words, that have flown on the floor about balanced budgets that it has almost become a laughing matter to suggest on the House floor that this is someday going to be achieved. We will float constitutional amendments to require balanced budgets; we will talk in terms of balanced budgets each time that we bring the annual budget submission to the floor. It has become a writ of public discussion in the United States that everyone is for a balanced budget.

If that is the case, then why cannot Congress do anything about it? Last year we got some feel for why Congress cannot do anything about it, when we brought the balanced budget amendment to the Constitution to the floor. It was turned down.

It was turned down largely because people came to the House floor and suggested that we did not need to put in our fundamental document a balanced budget requirement. What we need is the courage on the House floor to cast the votes that would result in a balanced budget.

I can accept that argument. I happen to accept the argument that we would do better in having a discipline in the House of Representatives to do so, if we had a balanced budget amendment to the Constitution, but I do accept the argument that in order to achieve a balanced budget, we are going to have to cast tough votes in the Congress.

One of the problems is that for each of the political parties, that means something different. For most Republicans casting a tough vote means casting a vote to cut spending in order to bring the budget into balance. For many Democrats, not all, but for many, it means the courage to raise taxes in the face of increased spending needs. And to cut the budget deficit for them means that you have to cast votes for increased taxes.

I would suggest that if we are not prepared to get spending under control, no amount of increased taxes will ever solve the problem.

Tonight what I would like to talk about is the proposal that I am prepared to bring to the floor on a regular basis that would result, if fully implemented, in a balanced budget. And it will, in fact, put the Members on notice and on line on issues relating to a balanced budget.

What this proposal does is suggest that if you start with last year's budget agreement and the baseline of spending agreed to for fiscal year 1991, namely, the year that we are in, and if you

arrive at some figure that allows you to spend out toward 1995, that there is in fact a way of getting to a balanced budget by 1995 which is credible. And in this particular proposal, I will assume that the taxes will continue to come in at the rate that was predicted in last year's budget agreement.

I will assume that the cuts that we agreed to make in defense will in fact take place as ordered. I will assume that there will be full funding of Social Security. I will assume that there will be full funding of the interest obligations of the U.S. Government, and then what I will assume is that additional adjustment in spending would be necessary in order to get a balanced budget.

In other words, that we cannot have the President's baseline figures roll out until 1995 and expect a balanced budget.

Then the question becomes, How do you get to that particular figure? Well, that figure that is necessary for spending adjustments between now and 1995 is a 2.4-percent increase in spending each year for the next 3 years.

Understand, I did not say a cut in spending. What I suggested was that the Federal Government can increase its spending in each of the next 3 years and get to a balanced budget. We cannot increase our spending as much as Congress might wish to increase spending. We have to increase our spending by a very limited amount; namely, 2.4 percent. By increasing our spending by 2.4 percent relative to this year's budget figures, we can, in fact, achieve a balanced budget by the year 1995.

I would like to talk about that in terms of some of the discussion that we will hear about budget matters and the concept of a balanced budget by first of all referring to some of the arguments that we hear on the House floor.

First of all, what we hear is that any taxes that would be increased by those who wish to go that route would be taxation on the rich and that the middle class and the lower earning people in the country do not have to worry about tax increases because no one has any intention of increasing their taxes.

First of all, I think we ought to be suspicious about anyone who suggests that you can get to a balanced budget by raising taxes because what raising taxes does is slow down the economy. We do not have to go very far back to understand that is what happens.

The economists in this country, the leading economists got together just recently to decide when the recession that we are presently enduring started. What they found was that the recession started in July of last year. Why July?

The economy had been weak for several months prior to that and yet had not plunged into a recession. What happened prior, just prior to July that caused us to end up with a recession beginning that month?

The main thing that happened economically in June, toward the end of June, was that the congressional leadership with the President went to the White House lawn and announced we were going to increase taxes. All of a sudden investors all across the country and, in fact, across the world began to make new assumptions about the American economy. They decided, in fact, to delay investment decisions. They, in fact, decided to pull back on spending that they were going to make until they found out what the new tax burden would be.

In the fall, when they found out what the tax burden was, they readjusted again and decided that certain investments that they were going to make in their future would, in fact, have to be delayed in order to bear the new tax burden.

What did this mean to the overall economy? That weak economy turned into a recession economy. As a result, hundreds of thousands of people are now in unemployment lines because Congress decided to raise taxes. This is an unintended consequence. No one in Congress who voted for that tax increase wanted to put people out of work. No one desired that as the outcome. But the fact is that any time that you make those kinds of policy decisions, they have an impact upon the country as a whole, not just upon government budgets.

In this particular case, what we are likely to end up with is taxes that actually increased the deficit. Why would taxes increase the deficit? Because as the economy slows down, those people who are in unemployment lines are not going to be paying taxes. The revenues that we would have otherwise gotten from them and from a growth economy will not be available to us. So what we are likely to find is that those increases in taxes did, in fact, result not only in the recession economy but in actual loss of revenue for the Federal Government.

To go back to a point, a lot of folks will tell you, well, that is because some of those were broad-based taxes. Maybe that was a mistake. Understand, all we are talking about at the present time is taxing the rich.

Well, let us look at one of the taxes that we passed in last year's package that was aimed at just taxing the rich. Taxing the rich in that package included a luxury tax. Everybody thought that that would be a tax that the only penalty would be upon the richest people in the country, that people who buy $30,000 cars, they ought to have to pay a little more tax on it.

□ 1840

People who buy $100,000 boats, they ought to pay a little bit more tax; after all, only the rich would pay the tax. What has been the unintended consequence of having passed that tax? Is it rich folks who have suffered? No, no. There are no rich folks who have really suffered as a result of that tax.

What has happened is that blue collar workers on boat production lines are now out of work because no one is selling luxury boats in this country. The luxury boat business has gone completely sour. They are laying off workers by the hundreds.

In my district, the Trojan Yacht Co. has literally laid off its entire blue collar work force.

Did the luxury tax in that case gain any money for the economy? No. Because all those people were good taxpayers. So any amount that the luxury tax gets has to be offset by the blue collar workers who are now out of work in my district and elsewhere in the country.

What about the tax on cars? Well, in all honesty, not much has happened there except some automobile dealerships have gone into bankruptcy.

What does that mean? Does that mean that the rich cannot find a luxury car somewhere? No. They will find one somewhere along the way. But those mechanics who worked for those dealerships are now out in the street as well. They cannot find work.

So that luxury tax that supposedly was only going to soak the rich has, in fact, had the unintended consequence of soaking blue collar workers throughout the country and causing them to lose their jobs. If that is what my colleagues are talking about when they talk about taxing the rich, then I think the American people are going to have some second thoughts about that as the way to balance our budget.

So that leaves us with only one other kind of direction to go, and that is to look for ways to reduce Federal Government spending. How you reduce spending becomes a very important part of the overall question of getting to a balanced budget.

What I am suggesting is that reductions in spending are relative when we are talking in Washington, because, in fact, you can reduce deficits without actually cutting spending. What you can do is increase spending, but by not as much as others would want you to do or even as the budget baseline suggests that you should do.

What I am suggesting is that you can raise spending 2.4 percent for each of the next 3 years and can achieve a balanced budget by 1995.

Now, let me tell the Members how it works. Let us take the bill that we were discussing just before the House went out of session tonight, the Department of State authorization bill. Under my proposal, what you would do is in that particular bill, you would increase from spending this year of $4,904,456,000 to a figure just over $5 billion for next year. In other words, you would go from $4.9 billion to $5 billion. There would be an increase in spending

for the State Department, not a reduction, an increase. They would go up by some $100 million by the figures in my particular proposal. A $100 million increase in most people's book is a pretty good increase, and that is what we have to do if we are going to get a balanced budget.

What does the bill we had before us propose to do? Does it constrain itself in any way? The bill we have before us has a 21.9-percent increase. It goes from $4.9 billion to $5.9 billion, almost $6 billion. In other words, it is a massive increase in spending that is in that bill.

What I am suggesting is that you cannot have massive increases and balance the budget. Somewhere along the line, you have got to begin the job of finding ways to reduce the increases in spending so that you get to balanced budgets in the future.

Tomorrow, as a part of this particular bill, I am going to suggest the balanced-budget amendment. I am going to suggest that at least for once we focus on this particular bill and we look at spending only the $5 billion that it would take in order to balance the budget. I am going to suggest it on some other bills as they come along as well, because I think that we ought to vote each time on whether or not our priorities are the priorities reflected in these bills or whether or not our ultimate priority is a balanced budget.

In all honesty, my ultimate priority is to balance the budget. My constituents tell me time after time that they are willing to give up a lot of the nice things they get from Government in order to balance the budget.

Now, they are not willing to see us decimate Social Security. This particular proposal does not suggest that. In fact, it gives Social Security full increases. They do not suggest we ought to cut further than what we are doing in defense, because they see that that is a trend line coming down, and so I accept the fact that we are going to actually take real cuts in defense. Defense is not going to get the 2.4 percent. It is going to take real cuts just as the budget proposed that we do.

But what they do think is that some of the little luxury items that come out of the Federal Government, the pork barrel spending we do, a number of other things that we do here might be reduced or at least the rate of increase of growth should be cut, and so the balanced-budget amendments that can be offered on bill after bill after bill on the floor will simply state that we ought not go further than the 2.4-percent increases in spending that are necessary in order to get us to a balanced budget.

Understand this: Since 1985, spending of the Federal Government has increased by nearly 50 percent. Understand that between 1985 and 1991, the spending of the Federal Government went up by nearly 50 percent. The Federal Government's spending is projected to increase 12.6 percent in this fiscal year alone.

While a portion of that increase is due to the unexpected costs of the S&L bailout, over two-thirds of the increase is as a result of spending in other areas. Domestic spending is projected to increase by 9.5 percent while mandatory spending will increase by 15.8 percent.

Surely, after those kinds of increases go in place, it is not unreasonable to expect a little bit of restraint in future increases.

Now, that is the important thing about my proposal. I do not backtrack on any of those spending increases. I accept the fact that between 1985 and 1991 Federal spending went up by 50 percent. I accept the fact that this year's spending is going to go up by 12.6 percent, and if you take a look at my proposal, what you begin to understand is that over the next 3 years, if you increase it at 2½ percent a year, and you add that to the 12.6-percent increase, you will have nearly a 20- to 25-percent increase in spending over a 5-year period under my proposal. That is a pretty hefty increase, and there is no reason why Congress cannot constrain itself in that kind of way. So that is what we will suggest.

We will suggest it in tomorrow's bill, in the State Department bill there, and we will suggest a balanced-budget amendment in other legislation to come down the pike; we will suggest a balanced-budget amendment, and the balanced-budget amendment will say that we should spend no more than 2.4 percent above what we are spending this year.

In so doing, hopefully we can focus Congress on our real obligation to begin to show the courage to restrain the spending so that we can balance the budget.

For some, I understand that their priorities are other than a balanced budget. For some, they will decide that the things contained in these spending bills are far more important than balancing the budget.

Well then, I would simply say that the American people need to figure out who is who and let the people defend their record. Let them say that there are things vastly more important to them than a balanced budget. And then I would hope those people would not tell us about the need for courage in order to balance budgets. Let them be who they are, big spenders who have decided that the Federal Government, in fact, has all of these goodies to hand out to people, and they are willing to vote to spend that money even if it is deficit money.

Let the American people also understand that they have a series of votes of people who did, in fact, vote to balance the budget and did so on a consistent basis. Let them weigh whether or not that priority is, in fact, the main priority for them.

I think it could be an interesting debate, because I think it is high time we begin to look at achieving something which has been an illusive goal, the balanced budget. The only way we will achieve it is by having the kind of debate in the House of Representatives that focuses on what we really have to do to get there. What we really have to do to get there is constrain spending. I am hopeful over the next few weeks that we will find a way to demonstrate to the American people that that is possible if not probably that it will happen in the House of Representatives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ALEXANDER (at the request of Mr. GEPHARDT) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. KYL, for 60 minutes each day, on May 15, 16, and 20.

Mr. SCHIFF, for 5 minutes, today.

Mr. RITTER, for 5 minutes, today.

Mr. CAMPBELL of California, for 5 minutes each day, today and on May 15.

(The following Members (at the request of Mr. BERMAN) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ANDREWS of New Jersey, for 5 minutes, today.

Mr. BROWN, for 60 minutes, on May 23.

(The following Member (at the request of Mr. WALKER) to revise and extend his remarks and include extraneous material:)

Mr. BACCHUS, for 5 minutes, today and on May 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. ROS-LEHTINEN) and to include extraneous matter:)

Mr. VANDER JAGT in two instances.

Mr. PETRI.

Mr. LAGOMARSINO in two instances.

Mr. MACHTLEY in seven instances.

Mr. GOSS.

Mr. BROOMFIELD.
Mr. RHODES.
Mr. STUMP.
Mr. GILMAN.
Mr. DORNAN of California.
Mr. PURSELL.
Ms. SNOWE.
Mr. GOODLING.
Mr. GALLO.
Mr. JAMES.
Mr. RIDGE.
Mr. HEFLEY.
Mr. BEREUTER.
Mr. SMITH of New Jersey.
Ms. ROS-LEHTINEN in two instances.
Mr. LOWERY of California in two instances.
Mr. GINGRICH in two instances.
Mr. SOLOMON in two instances.
Mr. BLILEY.

(The following Members (at the request of Mr. BERMAN) and to include extraneous matter:)

Mr. DINGELL.
Mr. ROE in two instances.
Ms. DELAURO.
Mr. DORGAN of North Dakota.
Mr. LEVINE of California.
Mr. RANGEL in two instances.
Mr. REED in two instances.
Mr. HOYER.
Mr. TALLON.
Mr. KLECZKA.
Mr. MATSUI.
Mr. STARK in two instances.
Mr. DWYER of New Jersey.
Mr. MCMILLEN of Maryland.
Mr. SMITH of Florida.
Mr. GUARINI.
Mr. JEFFERSON.
Mr. WAXMAN.
Mr. MILLER of California.
Mr. HOCHBRUECKNER.
Ms. NORTON.
Mr. ROE.
Mr. ERDREICH.
Mr. COLEMAN of Texas.
Mr. EDWARDS of California.
Mr. HALL of Ohio.
Mr. DARDEN.

SENATE CONCURRENT RESOLUTIONS REFERRED

Concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 34. Concurrent resolution authorizing the 1991 Special Olympics Torch Relay to be run through the Capitol Grounds; to the Committee on Public Works and Transportation.

S. Con. Res. 36. Concurrent resolution thanking and commending this Nation's Federal civilian employees for their contributions to Operation Desert Shield and Operation Desert Storm; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. WALKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 15, 1991, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1282. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a copy of a report on implementation of the U.S. Government Assistance Program for Central and Eastern Europe; to the Committee on Appropriations.

1283. A letter from the Secretary of Agriculture, transmitting a report of two violations involving the improper use of appropriations which occurred in the Department of Agriculture, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

1284. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of May 1, 1991, pursuant to 2 U.S.C. 685(e) (Doc. No. 102-83); to the Committee on Appropriations and ordered to be printed.

1285. A letter from the Acting Under Secretary of Defense, transmitting notification that the Department of Defense intends to remove and dispose of U.S. World War II chemical projectiles found on the Solomon Islands; to the Committee on Armed Services.

1286. A letter from the Secretary, Department of Health and Human Services, transmitting a copy of negative case actions under the program of aid to families with dependent children under State plans approved under part A of title IV of SSA, pursuant to Public Law 101-239, section 8004(g)(1) (103 Stat. 2460); to the Committee on Energy and Commerce.

1287. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Greece (Transmittal No. DTC-32-91); pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1288. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1289. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of public service advertisements, "Americans Abroad—What You Should Know Before You Go"; to the Committee on Foreign Affairs.

1290. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting the annual report of activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1291. A letter from the Director, Office of Management and Budget, transmitting the CBO and OMB report estimating the change of outlays in each fiscal year through 1995 as a result of the passage of Public Law 102-40; to the Committee on Government Operations.

1292. A letter from the Secretary, Department of the Interior, transmitting a report on proposals received under the Small Reclamation Projects Act, pursuant to 43 U.S.C. 422j; to the Committee on Interior and Insular Affairs.

1293. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1294. A letter from the President, Legal Services Corporation, transmitting a copy of the Corporation's 1990 Annual Report, pursuant to 42 U.S.C. 2996g(c); to the Committee on the Judiciary.

1295. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report on Endangered Species Protection Program as it relates to pesticide regulatory activities; to the Committee on Merchant Marine and Fisheries.

1296. A letter from the Acting Chairman, International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1993 and fiscal year 1994; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 972. A bill to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians (Rept. 102-61). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KILDEE:

H.R. 2312. A bill to make certain technical and conforming amendments to the Follow Through Act and the Head Start Transition Project Act; to the Committee on Education and Labor.

By Mr. KILDEE (for himself, Mr. GOODLING, Mr. FORD of Michigan, Mr. HAYES of Illinois, Mr. HENRY, Mr. MILLER of California, Mr. BOEHNER, Mr. WILLIAMS, Mr. PERKINS, Mr. SAWYER, Mr. OWENS of New York, Mrs. LOWEY of New York, Mrs. UNSOELD, Mr. JEFFERSON, Mr. REED, Mr. ROEMER, Mrs. MINK, Mr. FUSTER, Mr. MARTINEZ, and Mr. WASHINGTON):

H.R. 2313. A bill to amend the School Dropout Demonstration Assistance Act of 1988 to extend authorization of appropriations through fiscal year 1993 and for other purposes; to the Committee on Education and Labor.

By Mr. ABERCROMBIE (for himself and Mrs. MINK):

H.R. 2314. A bill to amend the Energy Policy and Conservation Act with respect to the Strategic Petroleum Reserve; to the Committee on Energy and Commerce.

By Mr. BERMAN:

H.R. 2315. A bill to provide for the establishment of an international arms suppliers

regime to limit the transfer of armaments to nations in the Middle East; to the Committee on Foreign Affairs.

By Mr. COLEMAN of Texas (for himself and Mr. BRYANT):

H.R. 2316. A bill to require that the 1990 decennial census of populations be corrected for undercounts, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DORGAN of North Dakota:

H.R. 2317. A bill to encourage Indian economic development; jointly, to the Committees on Ways and Means and Interior and Insular Affairs.

By Mr. GEJDENSON:

H.R. 2318. A bill to amend the Export Administration Act of 1979 to treat Iran, Iraq, Libya, and Syria as terrorist countries for a 3-year period, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GOODLING:

H.R. 2319. A bill to extend the authorization of appropriations for programs under the Native American Programs Act of 1974, and for other purposes; to the Committee on Education and Labor.

By Mr. GUARINI (for himself and Mr. VANDER JAGT):

H.R. 2320. A bill to amend the Internal Revenue Code of 1986 to remove competitive disadvantages to U.S. owned insurance business operating in foreign countries; to the Committee on Ways and Means.

By Mr. HALL of Ohio (for himself, Mr. HOBSON, Mr. APPLEGATE, Mr. BOEHNER, Mr. ECKART, Mr. FEIGHAN, Mr. GILLMOR, Ms. KAPTUR, Mr. LUKEN, Mr. MCEWEN, Mr. MILLER of Ohio, Ms. OAKAR, Mr. OXLEY, Mr. PEASE, Mr. REGULA, Mr. SAWYER, Mr. STOKES, Mr. TRAFICANT, and Mr. WYLIE):

H.R. 2321. A bill to establish the Dayton Aviation Heritage National Historical Park in the State of Ohio, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HOCHBRUECKNER:

H.R. 2322. A bill to deauthorize the navigation project for Sag Harbor, NY; to the Committee on Public Works and Transportation.

By Mr. BRYANT:

H.R. 2323. A bill to amend the Communications Act of 1934 in order to establish certain reemployment rights for employees who have lost employment as a consequence of the divestiture of the Bell system; jointly, to the Committees on Energy and Commerce and Education and Labor.

By Mr. HUGHES (for himself and Mr. MOORHEAD):

H.R. 2324. A bill to amend title 28, United States Code, with respect to witness fees; to the Committee on the Judiciary.

By Mr. JONTZ:

H.R. 2325. A bill to protect the Salt Creek River corridor in Porter County, IN, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LEACH:

H.R. 2326. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of the basis of certain farm property sold by certain farmers who have attained age 65 or by farm corporations; to the Committee on Ways and Means.

By Mr. LEVIN of Michigan (for himself, Mr. DOOLITTLE, Mr. HENRY, Mr. KYL, Mr. ROTH, Mr. DORGAN of North Dakota, Mr. KLECZKA, Mr. SENSENBRENNER, Ms. PELOSI, Mr. CARR, Mr. HORTON, Mr. KANJORSKI, Mr. STEARNS, Mr. PETRI, Mr. WOLPE, Mr. FROST, Mr. DICKINSON, Mr. VANDER JAGT, Mr. BONIOR, Mrs. JOHNSON of Connecticut, Mr. HALL of Texas, Mr. CUNNINGHAM, Mr. FORD of Michigan, Mr. PURSELL, Mr. LANCASTER, Mr. BEREUTER, Mr. LEHMAN of Florida, Mr. COSTELLO, Mr. RHODES, Mr. PAXON, Mr. SLATTERY, Mr. BURTON of Indiana, Mr. WISE, Mr. DANNEMEYER, Mr. MONTGOMERY, Mr. GORDON, Mr. PAYNE of Virginia, Mr. HUGHES, Mr. OXLEY, Mr. SUNDQUIST, Mr. GEKAS, Mr. CRANE, Mr. ERDREICH, Mr. ESPY, Mr. DICKS, Mr. MOODY, Mr. KLUG, Mr. HUTTO, Mr. EVANS, Mr. EMERSON, Mr. FAWELL, Mr. LIGHTFOOT, Mr. ENGLISH, Mr. DELAY, Mr. IRELAND, and Mr. GUARINI):

H.R. 2327. A bill to amend the Internal Revenue Code of 1986 to permit tax-exempt organizations to establish qualified cash or deferred arrangements for their employees; to the Committee on Ways and Means.

By Mr. MCEWEN:

H.R. 2328. A bill to rename and expand the boundaries of the Mound City Group National Monument in Ohio; to the Committee on Interior and Insular Affairs.

By Mr. MCMILLEN of Maryland (for himself and Mrs. MORELLA):

H.R. 2329. A bill to ensure that the recommendations of the Commission on the Consolidation and Conversion of Defense Research and Development Laboratories are available for consideration before any action is taken to close or realign Department of Defense laboratories pursuant to the Defense Base Closure and Realignment Act of 1990; to the Committee on Armed Services.

By Mr. MARKEY (for himself, Mr. RINALDO, Mr. SCHEUER, Mr. MOORHEAD, Mr. SYNAR, Mr. TAUZIN, Mr. ECKART, Mr. OXLEY, Mr. RICHARDSON, Mr. SLATTERY, Mr. BRYANT, Mr. BOUCHER, Mr. COOPER, Mr. WYDEN, Mr. LEHMAN of California, Mr. HARRIS, Mr. GORDON, Mr. PERKINS, Mr. DWYER of New Jersey, Mr. FRANK of Massachusetts, Mr. STARK, and Mrs. LOWEY of New York):

H.R. 2330. A bill to protect the public interest and the future development of interstate pay-per-call technology by providing for the regulation and oversight of the application and growth of the audiotext industry, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MINK (for herself, Mr. WASHINGTON, Mrs. UNSOELD, Mr. GUNDERSON, Mr. SERRANO, Mr. PAYNE of New Jersey, Mr. HAYES of Illinois, Mr. DE LUGO, Mr. SAWYER, Mr. ROEMER, Mr. REED, Mr. ANDREWS of New Jersey, Mr. MILLER of California, and Mr. KILDEE):

H.R. 2331. A bill to amend the Higher Education Act of 1965 to permit less than half time students to obtain Pell grants; to the Committee on Education and Labor.

By Mr. MOAKLEY:

H.R. 2332. A bill to amend the Immigration Act of 1990 to extend for 4 months the application deadline for special temporary protected status for Salvadorans; to the Committee on the Judiciary.

By Mr. MOODY:

H.R. 2333. A bill to amend the Internal Revenue Code of 1986 to permit farmers to roll over into an individual retirement account the proceeds from the sale of a farm; to the Committee on Ways and Means.

By Mr. OWENS of Utah:

H.R. 2334. A bill to further assist States in their efforts to increase awareness about and prevent family violence and provide immediate shelter and related assistance to battered women and their children; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. PALLONE (for himself, Mr. KOSTMAYER, and Mr. SWETT):

H.R. 2335. A bill to amend title 23, United States Code, to promote effective transportation planning, support conservation of significant environmental, historic, and recreational resources related to the Nation's highways, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. PETRI (for himself, Mr. GEJDENSON, Ms. MOLINARI, Mr. INHOFE, Mr. SANTORUM, Mr. PORTER, Mr. LAFALCE, Mr. LANCASTER, Mr. SUNDQUIST, Mr. NUSSLE, Mr. HORTON, Mr. MCCOLLUM, Mr. HUGHES, Mr. HERTEL, Mr. CAMPBELL of Colorado, and Mr. DE LUGO):

H.R. 2336. A bill to establish a higher education loan program in which a borrower's annual repayment obligation is dependent upon both postschool income level and borrowing history, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. ROBERTS (for himself and Mr. NICHOLS):

H.R. 2337. A bill entitled "Cavalry Forts of the Old West: The Historic Kansas Frontier Forts Study Act of 1991"; to the Committee on Interior and Insular Affairs.

By Ms. SNOWE:

H.R. 2338. A bill to provide that no State or local government shall be obligated to take any action required by Federal law enacted after the date of the enactment of this act unless all expenses of such government in taking such action are fully funded by the United States; to the Committee on Government Operations.

By Mr. TALLON:

H.R. 2339. A bill to suspend until January 1, 1995, the duties on Chromotropic Acid and Color Index Reactive Blue 224; to the Committee on Ways and Means.

H.R. 2340. A bill to repeal the restrictions added by the Tax Reform Act of 1986 on the deduction for retirement savings and to facilitate the use of amounts from individual retirement plans to pay long-term health care insurance premiums, educational expenses, and first home acquisition costs; to the Committee on Ways and Means.

By Mr. WALSH (for himself, Mr. MOODY, and Mr. HENRY):

H.R. 2341. A bill to direct the Director of the Peace Corps to drape a flag of the United States over the casket of each deceased Peace Corps volunteer or former volunteer; to the Committee on Foreign Affairs.

By Mr. WAXMAN:

H.R. 2342. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise the authority under that act to regulate pesticide chemical residues in food; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. TOWNS, Mr. STUDDS, Mr. KOSTMAYER, Mr. SCHEUER, Mr. WYDEN, and Mr. BRYANT):

H.R. 2343. A bill to amend the Public Health Service Act to revise and extend the program of assistance for family planning services; to the Committee on Energy and Commerce.

By Mr. MCCLOSKEY:

H.J. Res. 253. Joint resolution designating the week beginning on October 6, as "American Magazine Week"; to the Committee on Post Office and Civil Service.

By Mr. PALLONE (for himself, Mr. WILSON, Mr. ANNUNZIO, Mr. FISH, Mr. MCNULTY, Mr. HORTON, Mr. SAVAGE, Mr. LIPINSKI, Mr. OWENS of Utah, Mr. DELLUMS, Mr. TORRICELLI, Mr. BILBRAY, Mr. TOWNS, Mrs. LLOYD, Mr. SCHEUER, Mr. MACHTLEY, Mr. MRAZEK, Mr. DEFAZIO, Mr. DORNAN of California, Mr. GALLEGLY, Mr. GALLO, Mr. MCCLOSKEY, Mr. ENGEL, Mr. DONNELLY, Mr. ACKERMAN, Mr. GUARINI, Mr. STARK, Mr. ROE, Mr. ROYBAL, Mrs. MINK, Mr. LANTOS, Mr. FUSTER, Mr. BUSTAMANTE, Ms. KAPTUR, Mr. WOLPE, Mr. HUGHES, Mr. MINETA, Mr. FALEOMAVAEGA, and Mr. FAWELL):

H.J. Res. 254. Joint resolution to designate the week beginning June 9, 1991, as "Animal Rights Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON:

H. Res. 151. Resolution expressing the sense of the House of Representatives with respect to extending fast track procedures to bills to implement future environmental and labor standards agreements; jointly, to the Committees on Ways and Means and Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

121. By the SPEAKER: Memorial of the General Assembly of the State of New Jersey, relative to the Development of Sterling Forest; to the Committee on Agriculture.

122. Also, memorial of the House of Representatives of the State of Illinois, relative to the organized rail transportation workers of Illinois; to the Committee on Energy and Commerce.

123. Also, memorial of the General Assembly of the State of Delaware, relative to unwanted telephone solicitation calls to Delaware homes and businesses; to the Committee on Energy and Commerce.

124. Also, memorial of the General Assembly of the State of Indiana, relative to free trade with Mexico; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COX of California:

H.R. 2344. A bill to enable the filing of a protest relating to certain customs entries; to the Committee on Ways and Means.

By Mr. MCDADE:

H.R. 2345. A bill for the relief of William A. Kubrick; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 2346. A bill to clear certain impediments to the licensing of the vessel Cutty Sark for employment in the coastwise trade of the United States; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 66: Mr. CAMP, Mr. GOODLING, Mr. PANETTA, Mr. ROHRABACHER, Mr. DONNELLY, Mr. JACOBS, Mr. SCHEUER, Mr. FEIGHAN, and Mr. SIKORSKI.

H.R. 74: Mr. RHODES, Mr. CAMPBELL of Colorado, and Ms. PELOSI.

H.R. 77: Mr. RITTER and Ms. DELAURO.

H.R. 78: Mr. RITTER.

H.R. 102: Mr. ROGERS.

H.R. 103: Mr. STEARNS, Mr. SCHEUER, Mr. ANDERSON, Mr. VALENTINE, Ms. MOLINARI, Mr. DWYER of New Jersey, and Mr. HOCHBRUECKNER.

H.R. 109: Mr. WALSH and Mr. LEWIS of California.

H.R. 118: Mr. LAGOMARSINO, Mr. SMITH of Florida, and Mr. COX of Illinois.

H.R. 127: Mrs. PATTERSON, Mr. MARTIN, Ms. MOLINARI, Mr. HOAGLAND, Mr. DANNEMEYER, Mr. SLAUGHTER of Virginia, Mr. FRANKS of Connecticut, and Mr. MCCANDLESS.

H.R. 150: Mrs. JOHNSON of Connecticut and Mr. LANCASTER.

H.R. 299: Mr. SENSENBRENNER.

H.R. 317: Mr. DONNELLY, Mr. HOCHBRUECKNER, Mr. GUARINI, Mr. DORGAN of North Dakota, Mr. KOSTMAYER, Mr. LENT, and Mr. LANTOS.

H.R. 319: Mr. MURPHY.

H.R. 328: Mr. JONES of North Carolina.

H.R. 344: Mr. HASTERT and Mrs. VUCANOVICH.

H.R. 376: Mr. MCMILLEN of Maryland.

H.R. 393: Mr. TORRICELLI, Mr. LIPINSKI, and Mr. ECKART.

H.R. 441: Mr. OBERSTAR, Mr. GEJDENSON, Mr. DELLUMS, Mr. TOWNS, Mr. ROYBAL, Mr. HAYES of Illinois, Mr. BROWN, Mr. FEIGHAN, Mr. AUCOIN, Mr. SYNAR, Mr. DYMALLY, Mr. BERMAN, Mr. EDWARDS of California, Mr. PAYNE of New Jersey, Mr. MARTINEZ, Mr. ROE, and Mr. WAXMAN.

H.R. 534: Mr. GUNDERSON, Mr. PETERSON of Florida, Mr. MCCOLLUM, Mr. SOLARZ, Mr. SCHAEFER, Mr. DICKS, Mr. JAMES, Mr. HOPKINS, Mr. NUSSLE, Mr. RIDGE, Mr. ENGEL, Mr. ALEXANDER, Mr. HAMMERSCHMIDT, Mr. EDWARDS of Oklahoma, Mr. IRELAND, and Mr. JENKINS.

H.R. 543: Mr. FAZIO and Mr. WAXMAN.

H.R. 623: Mr. BLILEY, Mr. WHITTEN, Mr. ARMEY, Mr. JACOBS, Mr. HYDE, Mr. JONES of North Carolina, Mr. RAMSTAD, Mr. LIVINGSTON, Mr. TALLON, Mr. IRELAND, Mr. SMITH of Texas, Mr. SUNDQUIST, Mr. BATEMAN, Mr. BALLENGER, Mr. BURTON of Indiana, Mr. HENRY, Mr. STENHOLM, Mr. GINGRICH, Mr. DELAY, Mr. FAWELL, Mr. SCHAEFER, and Mr. WEBER.

H.R. 652: Mr. LIPINSKI and Mrs. LOWEY of New York.

H.R. 667: Mr. DEFAZIO, Mr. MCDADE, Mr. YATES, Mr. MINETA, Mr. GORDON, Mr. BROWDER, Mr. CLINGER, Mr. LAGOMARSINO, Mr. FORD of Tennessee, and Mr. JONES of North Carolina.

H.R. 730: Mr. JONTZ, Mr. PAYNE of New Jersey, and Mr. ORTIZ.

H.R. 774: Mr. VENTO.

H.R. 776: Mr. BRUCE and Mr. JONES of Georgia.

H.R. 777: Mr. BRUCE.

H.R. 780: Mr. BRUCE, Mr. SIKORSKI, and Mr. SANDERS.

H.R. 783: Mr. ENGEL, Mr. MOLLOHAN, and Mr. RINALDO.

H.R. 784: Mr. APPLEGATE, Mr. OWENS of Utah, and Mr. HUCKABY.

H.R. 830: Mr. MOODY.

H.R. 870: Mr. GUARINI, Mr. FAWELL, and Mr. NEAL of Massachusetts.

H.R. 872: Mrs. JOHNSON of Connecticut.

H.R. 906: Ms. SNOWE.

H.R. 907: Mr. DICKS.

H.R. 919: Mr. WHITTEN.

H.R. 924: Mr. KLUG, Mr. DELAY, Mr. SMITH of Texas, and Mr. YATRON.

H.R. 967: Mr. OWENS of Utah.

H.R. 976: Mr. COUGHLIN, Mr. HERTEL, Mr. BROOMFIELD, Mr. SOLARZ, and Mr. LIPINSKI.

H.R. 999: Mr. KLUG, Mr. CAMP, and Mr. DEFAZIO.

H.R. 1024: Mr. ENGEL.

H.R. 1048: Mr. TAYLOR of Mississippi and Mr. ROSE.

H.R. 1075: Mr. UPTON.

H.R. 1088: Mr. SOLOMON and Mr. COBLE.

H.R. 1092: Mr. LIPINSKI.

H.R. 1115: Mr. JEFFERSON, Mr. STALLINGS, Ms. KAPTUR, and Mr. LEACH.

H.R. 1126: Mrs. LOWEY of New York, Mr. BROWN, Mr. SANDERS, and Mrs. UNSOELD.

H.R. 1130: Mr. MURPHY, Mr. ENGEL, and Mr. ESPY.

H.R. 1147: Mr. WEBER, Mr. SANTORUM, Mr. BRUCE, Mr. COBLE, Mr. HOCHBRUECKNER, Mr. CARDIN, Mr. KILDEE, Mr. AUCOIN, Mr. GALLO, Mr. LIPINSKI, Mr. IRELAND, Mr. ZIMMER, Mr. WISE, Mr. JACOBS, Mr. LAFALCE, Mr. RITTER, Mr. PENNY, Mr. SCHIFF, Mrs. LOWEY of New York, Ms. ROS-LEHTINEN, and Mr. HANSEN.

H.R. 1164: Mr. SCHEUER and Mr. YOUNG of Alaska.

H.R. 1165: Mr. BLAZ.

H.R. 1171: Mr. ASPIN and Mrs. LOWEY of New York.

H.R. 1184: Mr. FASCELL and Mr. BILIRAKIS.

H.R. 1186: Mr. OWENS of Utah, Mr. ENGLISH, Mr. SCHEUER, Mr. BAKER, Mr. THOMAS of Wyoming, Mr. MCHUGH, Mr. CLINGER, Mrs. MEYERS of Kansas, Mr. EDWARDS of Oklahoma, Mr. PENNY, Mr. SHAW, Mr. NUSSLE, Mr. BACCHUS, Mr. DARDEN, Mr. STUMP, Mr. SIKORSKI, Mr. JONES of Georgia, Mr. VALENTINE, Mr. SLAUGHTER of Virginia, Mr. AUCOIN, Mr. HAYES of Louisiana, and Mr. WISE.

H.R. 1197: Mr. CRAMER, Mr. DIXON, Mr. MRAZEK, Ms. NORTON, and Mr. ROE.

H.R. 1200: Mr. JEFFERSON, Mr. PERKINS, Mr. PEASE, Mrs. MORELLA, Mr. ANNUNZIO, Mr. LIPINSKI, Mrs. BYRON, Mr. GAYDOS, Mr. BARRETT, Mr. MURPHY, Mr. TAUZIN, Mr. MCHUGH, Mr. ANDREWS of Maine, Mr. OBERSTAR, Ms. SNOWE, Mr. GEJDENSON, Mr. PALLONE, Mr. ESPY, Mr. PAYNE of Virginia, Mr. SMITH of Florida, Mr. MILLER of California, Mr. DIXON, Mr. MORAN, Mr. QUILLEN, Mr. VENTO, Mr. MCMILLAN of North Carolina, and Mr. JONES of North Carolina.

H.R. 1263: Mrs. LLOYD.

H.R. 1264: Mrs. LLOYD.

H.R. 1277: Mr. BROOMFIELD, Mr. TALLON, Mrs. BENTLEY, Mr. GEKAS, Mr. HEFLEY, Mr. MCGRATH, Mr. MORRISON, Mr. MYERS of Indiana, Mr. ROGERS, Mr. SAXTON, Mr. YOUNG of Florida, Mr. SLAUGHTER of Virginia, Mr. LANCASTER, Mr. CALLAHAN, Mr. GILCHREST, Mr. SKEEN, Mr. WYLIE, Mr. ROHRABACHER, Mr. SARPALIUS, Mr. JOHNSON of South Dakota, Mr. YOUNG of Alaska, Mr. HUBBARD, Mr. ANDERSON, Mr. JAMES, and Mr. TRAFICANT.

H.R. 1288: Mr. SAVAGE and Mr. HAYES of Illinois.

H.R. 1348: Mr. PETRI, Mr. REGULA, Mr. SWIFT, Mr. MCCOLLUM, Mr. DELLUMS, Mr. ZELIFF, Ms. LONG, Mr. EMERSON, Mr. VALENTINE, Mr. STUMP, Mr. STOKES, Mr. CONDIT, Ms. DELAURO, Mr. LEVIN of Michigan, Mr. AUCOIN, Mr. LAGOMARSINO, Mr. TORRES, Ms. WATERS, Mr. DIXON, and Mr. JONES of Georgia.

H.R. 1368: Mr. JEFFERSON, Mr. FRANK of Massachusetts, and Mr. ACKERMAN.

H.R. 1384: Mr. MONTGOMERY, Mr. SISISKY, Mr. VALENTINE, Mr. BREWSTER, Mr. JEFFERSON, and Mr. TRAFICANT.

H.R. 1418: Mr. JONTZ, Mr. BOEHNER, Mr. BARRETT, Mr. KLUG, and Mr. NICHOLS.

H.R. 1422: Mr. LIPINSKI, Mr. DELLUMS, Mr. DE LUGO, Mr. ENGEL, Mr. KILDEE, Mr. OWENS of Utah, Mr. WILSON, and Mr. NEAL of Massachusetts.

H.R. 1430: Mr. LANTOS.

H.R. 1445: Mr. CAMPBELL of Colorado.

H.R. 1450: Mr. ROYBAL, Mr. YATRON, Mr. ORTON, Mr. PANETTA, and Mr. GALLEGLY.

H.R. 1466: Mr. ECKART, Mr. HERTEL, and Mr. DELLUMS.

H.R. 1468: Mr. JAMES.

H.R. 1469: Mr. SANTORUM, Mr. KLUG, Ms. KAPTUR, Mr. DWYER of New Jersey, and Mr. HUCKABY.

H.R. 1472: Mrs. VUCANOVICH and Mrs. LOWEY of New York.

H.R. 1473: Mr. TORRES, Mr. HOCHBRUECKNER, Mr. DICKINSON, and Mr. JONES of Georgia.

H.R. 1483: Mr. FRANK of Massachusetts and Mr. NEAL of Massachusetts.

H.R. 1497: Mr. JONES of Georgia, Mr. LIPINSKI, and Mr. HUCKABY.

H.R. 1502: Mr. GALLO, Mr. GEJDENSON, Mr. GAYDOS, Mr. ABERCROMBIE, and Mr. MOODY.

H.R. 1504: Mrs. LLOYD and Mr. SWETT.

H.R. 1527: Mr. FORD of Tennessee.

H.R. 1538: Mr. ENGEL, Mr. PALLONE, Mr. FISH, Mr. SIKORSKI, Mr. LEWIS of Florida, Mr. SKAGGS, Mrs. LOWEY of New York, Mr. OWENS of Utah, Mr. SLATTERY, Mr. FASCELL, Mr. HALL of Texas, and Mr. CRAMER.

H.R. 1539: Mr. PANETTA, Mr. BUSTAMANTE, Mr. ANDREWS of New Jersey, Mr. KOLTER, and Mr. LANCASTER.

H.R. 1570: Mr. RAMSTAD, Mr. EMERSON, Mr. CARDIN, and Mr. UPTON.

H.R. 1584: Mr. RICHARDSON.

H.R. 1611: Mr. FROST.

H.R. 1669: Ms. ROS-LEHTINEN, Mr. SAVAGE, and Mr. WOLPE.

H.R. 1676: Mr. RITTER.

H.R. 1711: Mr. WALSH.

H.R. 1727: Mr. MCDERMOTT and Mr. ECKART.

H.R. 1744: Mr. LAGOMARSINO.

H.R. 1794: Mr. SPRATT.

H.R. 1795: Mr. SPRATT, Mr. ACKERMAN, and Mr. GUNDERSON.

H.R. 1860: Mr. HEFNER, Mr. TOWNS, and Mr. DEFAZIO.

H.R. 1864: Mr. BUSTAMANTE, Mr. LANCASTER, Mr. PAYNE of Virginia, Ms. MOLINARI, and Mr. WELDON.

H.R. 1920: Mr. LIPINSKI, Mrs. LOWEY of New York, and Mr. ABERCROMBIE.

H.R. 1921: Mr. LIPINSKI, Mrs. LOWEY of New York, and Mr. ABERCROMBIE.

H.R. 1969: Mr. ANDREWS of Texas, Mr. DELLUMS, Mr. LIPINSKI, Mr. MINETA, and Mr. DWYER of New Jersey.

H.R. 1970: Mr. MOODY, Mr. HERTEL, and Mr. BRYANT.

H.R. 2027: Mr. ROE.

H.R. 2029: Mr. LIPINSKI, Ms. KAPTUR, Mr. NEAL of Massachusetts, and Mr. FASCELL.

H.R. 2082: Mr. OWENS of Utah, Mr. GORDON, Mr. ATKINS, Mr. DELLUMS, and Mr. VENTO.

H.R. 2106: Mrs. ROUKEMA.

H.R. 2115: Mr. BRYANT, Mr. CHANDLER, Mr. RAY, Mr. JONTZ, Mr. KLUG, Mr. TORRES, Mr. OWENS of Utah, Mr. KLECZKA, and Mr. JOHNSON of South Dakota.

H.R. 2152: Mr. SAXTON, Mr. HUGHES, Mr. OWENS of Utah, Mr. DWYER of New Jersey, Ms. DELAURO, and Mr. SCHEUER.

H.R. 2172: Mr. DE LUGO, Ms. KAPTUR, and Ms. DELAURO.

H.R. 2233: Mr. HARRIS, Mr. UPTON, Mr. SARPALIUS, Mr. MORRISON, Mr. LAUGHLIN, Mr. RAHALL, and Mr. CHAPMAN.

H.R. 2240: Mr. BARRETT.

H.R. 2248: Mr. MCDADE and Mr. GUNDERSON.

H.R. 2280: Mr. ROWLAND, Mr. SLATTERY, and Mr. HARRIS.

H.R. 2291: Mr. WALSH.

H.J. Res. 27: Ms. SNOWE.

H.J. Res. 56: Mr. BEVILL, Mr. POSHARD, Mr. PERKINS, Mr. HUNTER, Mr. LEWIS of California, Mr. MARTIN, Mr. MORRISON, Mr. MURTHA, Mr. JONTZ, Mr. MORAN, Mr. MILLER of Washington, Mr. MCCLOSKEY, Mr. NEAL of Massachusetts, Mr. BROWN, Mr. ANNUNZIO, Mr. ANDREWS of New Jersey, Mr. BEILENSON, Mr. PARKER, Mr. OBERSTAR, Mrs. LOWEY of New York, Ms. LONG, Mr. FOGLIETTA, Mr. HOUGHTON, Mr. BENNETT, Mr. CRAMER, Mr. ECKART, Mr. KOSTMAYER, Mr. HAYES of Louisiana, Mr. HUBBARD, Mr. SERRANO, Mr. JONES of North Carolina, Ms. DELAURO, Mr. HANSEN, Mr. KLUG, Mr. ATKINS, Mr. RANGEL, Mr. EARLY, Mr. ANDREWS of Maine, Mr. MOAKLEY, Mr. EVANS, Mr. HOYER, Mr. HUTTO, Mr. GRAY, Mr. FAWELL, Mr. GRANDY, Mr. TRAXLER, Mr. HATCHER, Mr. BARNARD, Mr. TORRES, and Mr. JOHNSON of South Dakota.

H.J. Res. 72: Mr. GEKAS, Mr. DAVIS, Mrs. JOHNSON of Connecticut, Mr. MCEWEN, Mr. SLAUGHTER of Virginia, Mr. WEBER, Mr. ALLARD, Mr. BOEHNER, Mr. CALLAHAN, Mr. DANNEMEYER, Mr. DELAY, Mr. FIELDS, Mr. GILLMOR, Mr. MAVROULES, Mr. DICKINSON, Mr. HOUGHTON, Mr. BURTON of Indiana, Mr. NICHOLS, Mr. STEARNS, Mr. SHAYS, Mr. FRANKS of Connecticut, Mr. PORTER, Mr. GEREN of Texas, Mr. TAYLOR of North Carolina, Mr. GRADISON, Mr. WILLIAMS, Mr. UPTON, and Mr. OWENS of Utah.

H.J. Res. 90: Mr. ECKART, Mr. WYLIE, Mr. LEWIS of Florida, Mr. NUSSLE, and Mr. TRAXLER.

H.J. Res. 107: Mr. DARDEN and Mr. WOLF.

H.J. Res. 130: Mr. ALEXANDER, Mr. KANJORSKI, Mr. BEVILL, Mr. OWENS of Utah, Mr. VALENTINE, Mr. BONIOR, Mr. FLAKE, Mr. ERDREICH, Mr. HUTTO, Mr. CLINGER, Mr. JOHNSTON of Florida, Mr. MOODY, Mr. FOGLIETTA, Mr. LIVINGSTON, Mr. ANDREWS of Maine, Mr. JEFFERSON, Mr. BACCHUS, Mr. HAYES of LOUISIANA, Mr. BORSKI, Mr. CARR, Mr. LEVIN of Michigan, Mr. DYMALLY, Mr. HEFNER, Mr. HYDE, Mr. KLECZKA, Mr. MCCRERY, Mrs. MINK, Mr. DORGAN of North Dakota, Mr. HANSEN, Mr. MOAKLEY, Mr. BROOMFIELD, Mr. MCCLOSKEY, Mrs. BOXER, Mr. WELDON, Mr. HALL of Ohio, Mr. DELLUMS, Mr. RITTER, Mr. WYLIE, Mr. SAWYER, Mr. LIPINSKI, Mr. VOLKMER, Mr. SHAYS, Mr. YOUNG of Alaska, Mr. PORTER, Mr. WYDEN, Mr. GAYDOS, Mr. ABERCROMBIE, Mr. SHARP, Mr. MILLER of Ohio, Mr. TRAFICANT, Mr. GEJDENSON, Mr. STUDDS, Mr. LEWIS of Georgia, Mr. FEIGHAN, Mr. BRYANT, Mr. WHEAT, Mr. LOWERY of California, Mr. ANDERSON, MS. WATERS, MS. SNOWE, Mr. ALLARD, Mr. MFUME, Mr. REGULA, and Mr. SISISKY.

H.J. Res. 162: Mr. ENGEL.

H.J. Res. 174: Mr. ANNUNZIO.

H.J. Res. 182: Mr. LAUGHLIN, Mr. LEHMAN of California, Mr. LIGHTFOOT, Mr. LIPINSKI, Mrs. LOWEY of New York, Mr. MCHUGH, Mr. MARKEY, Mr. MAVROULES, Mrs. MINK, Mr. MOODY, Mr. NATCHER, Mr. NOWAK, Mr. ORTIZ, Mr. PARKER, Mr. PETERSON of Florida, Mr. PICKLE, Mr. REED, Mr. ROGERS, Mr. ROTH, Mr. SANGMEISTER, Mr. SARPALIUS, Mr. SAVAGE, Mr. STALLINGS, Mr. STARK, Mr. SWETT, Mr. SWIFT, Mr. SYNAR, Mr. TALLON, Mr. TORRES, Mr. TRAFICANT, Mr. WHEAT, Mr. HAMMERSCHMIDT, Mr. CALLAHAN, Mr. BROWDER, Mr. FOGLIETTA, Mr. GILMAN, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BRYANT, Mr. COX of Illinois, Ms. DELAURO, Mr. DUNCAN, Mr. EDWARDS of California, Mr. EVANS, Mr. GIBBONS, Mr. LAROCCO, Mr. MANTON, Mr. MAZZOLI, Mr. MCCLOSKEY, Mr. MINETA, Mr. MOORHEAD, Mr. MORAN, Mr. ORTON, Mr. PETERSON of Minnesota, Mr. PRICE, Mr. RAHALL, Mr. RIDGE, Mr. ROYBAL, Mr. SCHUMER, Mr. SERRANO, Mr. SOLOMON, Mr. STAGGERS, MS. WATERS, Mr. WOLPE, Mr. WYDEN, Mr. DYMALLY, Mr. MILLER of Washington, Ms. SNOWE, Mr. BROOMFIELD, Mr. FEIGHAN, Mr. HYDE, Mr. JOHNSTON of Florida, Mr. LEVINE of California, Mr. WISE, Mr. YATRON, Mr. DARDEN, MS. OAKAR, Mr. ANDERSON, Mr. BREWSTER, Mr. DAVIS, Mr. ESPY, Mr. FORD of Tennessee, Mr. CONYERS, Mr. ERDREICH, Mr. GREEN of New York, Mr. HATCHER, Mr. HAYES of Louisiana, Mr. JONES of North Carolina, Mr. LIVINGSTON, Mr. LOWERY of California, Mr. MCCOLLUM, Mr. MFUME, Mr. ANDREWS of New Jersey, Mr. ANDREWS of Maine, Mr. ANTHONY, Mr. ATKINS, Mr. AUCOIN, Mr. BROWN, Mr. CHANDLER, Mr. CLAY, Mrs. COLLINS of Michigan, Mr. COOPER, Mr. FLAKE, Mr. FRANK of Massachusetts, Mr. HASTERT, Mr. HERGER, Mr. HOAGLAND, Mr. HOCHBRUECKNER, Ms. HORN, Mr. HUBBARD, Mr. JACOBS, Ms. KAPTUR, and Mr. KOLBE.

H.J. Res. 191: Mr. WISE, Mr. VENTO, Mr. TAYLOR of Mississippi, Mr. ACKERMAN, Mr. TOWNS, and Mr. EMERSON.

H.J. Res. 198: Mr. MRAZEK, Mr. DYMALLY, Mr. SISISKY, Mrs. MEYERS of Kansas, Mr. SERRANO, Mr. CAMP, Mr. BRUCE, Mr. COSTELLO, Mr. MCNULTY, Mr. HARRIS, Mrs. PATTERSON, Mr. MCDERMOTT, Mr. SCHEUER, Mr. KASICH, Mr. HUGHES, Mr. POSHARD, Mr. MORAN, Mr. ACKERMAN, Mr. SKELTON, Mr. HEFNER, Mr. RAMSTAD, Mr. MACHTLEY, Mr. LANCASTER, Mr. VENTO, Mr. ZIMMER, Mr. MCGRATH, Mr. ROE, Ms. PELOSI, Mr. LAFALCE, Mr. FOGLIETTA, Mr. FALEOMAVAEGA, Mr. PURSELL, Mr. RANGEL, Mr. GUARINI, Mr. MARTIN, Mr. EMERSON, Mrs. LOWEY of New York, and Mr. BLILEY.

H.J. Res. 207: Mr. WILSON, Mr. GRANDY, Mr. WALSH, Mr. DEFAZIO, Mr. FUSTER, Mr. OBEY, Mr. LAFALCE, Mr. ARCHER, Mr. STALLINGS, Mr. DOWNEY, Mr. OXLEY, Mr. APPLEGATE, Mr. WOLF, Mr. DYMALLY, Mr. POSHARD, Ms. NORTON, Mr. MORAN, Mr. CAMPBELL of Colorado, Mr. PAYNE of New Jersey, Mr. BILBRAY, Mr. TANNER, Mr. MINETA, Mr. ACKERMAN, Mr. TAYLOR of Mississippi, Mr. UPTON, Mr. ECKART, Mr. EMERSON, Ms. MORELLA, Mr. WEISS, Mr. GUARINI, Mr. SHUSTER, Mr. GORDON, Mr. DIXON, and Mr. FALEOMAVAEGA.

H.J. Res. 217: Mr. MILLER of Washington, Mr. EMERSON, Mr. FEIGHAN, Mr. REGULA, Mr. GILMAN, Mr. DELLUMS, Mr. RINALDO, and Mr. MANTON.

H.J. Res. 219: Mr. WALSH, Mr. VALENTINE, Mr. LAFALCE, Mr. TRAFICANT, Mr. GONZALEZ, Mrs. LOWEY of New York, and Mr. SOLOMON.

H.J. Res. 228: Mr. SISISKY, Mr. GUARINI, Mr. EARLY, Mr. WALSH, Mr. BACCHUS, Mr. JENKINS, and Mr. ENGEL.

H.J. Res. 231: Mr. SOLOMON, Mr. WALSH, Mr. DIXON, and Mr. LANTOS.

H. Con. Res. 56: Mr. MURPHY.

H. Con. Res. 105: Mrs. COLLINS of Michigan.

H. Con. Res. 118: Mr. FAWELL, Mr. MOODY, Mr. PAYNE of New Jersey, and Ms. DELAURO.

H. Con. Res. 146: Mr. RAHALL.

H. Res. 40: Mr. CAMPBELL of California.

H. Res. 116: Mr. LEWIS of Georgia, Mr. ROE, Mr. DE LUGO, Mrs. UNSOELD, Mr. ABERCROMBIE, Ms. SLAUGHTER of New York, and Mr. BROOMFIELD.

H. Res. 129: Mr. SMITH of Florida, Mr. DORNAN of California, Mr. RAMSTAD, Mr. WAXMAN, Mr. CARDIN, Mr. LAGOMARSINO, Mr. ECKART, Mr. FROST, Mr. KENNEDY, Mr. LANTOS, Mrs. COLLINS of Michigan, Mr. UPTON, Mr. SIKORSKI, Ms. ROS-LEHTINEN, Mr. WEBER, Mrs. LOWEY of New York, Mr. WALSH, and Mr. FALEOMAVAEGA.

H. Res. 134: Mr. TORRES and Mr. OWENS of Utah.

H. Res. 139: Mr. GEREN of Texas, Mr. LEWIS of Florida, Mr. SERRANO, Mr. SMITH of Florida, Mr. SIKORSKI, Mrs. VUCANOVICH, Mr. RAMSTAD, Ms. MOLINARI, Mr. COX of California, Mr. LIGHTFOOT, Mr. FOGLIETTA, Mr. VALENTINE, Mr. TAUZIN, Mr. BACCHUS, Mr. FRANK

of Massachusetts, Mr. DORNAN of California, Mr. CAMP, and Mr. UPTON.

H. Res. 141: Mr. TAUZIN and Mr. RHODES.

H. Res. 146: Mr. PANETTA, Mr. REGULA, and Mr. BERMAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

81. By the SPEAKER: Petition of the city council of the city of Seattle, WA, relative to support of H.R. 7; to the Committee on the Judiciary.

82. Also, petition of the National Society Daughters of the American Revolution, relative to the Arctic National Wildlife Refuge (ANWR) Coastal Plain; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

SENATE—*Tuesday, May 14, 1991*

(Legislative day of Thursday, April 25, 1991)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

The PRESIDING OFFICER. Today's prayer will be offered by Rabbi Tzvi Porath, of the Adat Reyim Congregation of Neighbors, Springfield, VA.

PRAYER

Rabbi Tzvi H. Porath, Adat Reyim Congregation of Neighbors, Springfield, VA, offered the following prayer:

Our Heavenly Father, we invoke Thy blessing upon the Members of the Senate of the United States as they prepare to deliberate the vital issues affecting our Nation.

We are grateful to Thee for Thy gift of the moral and spiritual teachings which have become part and parcel of the fundamental beliefs upon which our country was founded.

We ask Thee to imbue those who guide the affairs of state with insight and wisdom "so that justice and equity, peace and serenity, happiness and prosperity abide among us.

"May all the inhabitants of this Nation join in a common bond of fellowship and brotherhood to banish hatred and bigotry, to safeguard the ideals and free institutions which are the pride and glory of our Nation.

"May this land under Your providence continue to be an influence for good throughout the world, uniting all people in peace and freedom and helping them to fulfill the vision of Your prophet: 'nation shall not lift up sword against nation, neither shall they learn war anymore[1]'" 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, May 14, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

[1] Adapted from "Siddur Sim Shalom."

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

RECOGNITION OF THE MAJORITY LEADER

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

THE JOURNAL

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

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

ORDER OF PROCEDURE

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 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 11 a.m. this morning, the Senate will proceed to the consideration of Calendar No. 61, S. 100, the Central American Democracy and Development Act, with the time between 11 a.m. and 12:30 p.m. today for debate only on the bill. The Senate will recess from 12:30 p.m. until 2:15 p.m. to accommodate the respective party conferences.

Upon reconvening at 2:15 p.m. today, under a previous unanimous-consent agreement, the Senate will go into executive session to consider four treaties from the Executive Calendar. The treaties will be considered under an overall time limit of 10 minutes, with the time equally divided and controlled between Senators PELL and HELMS or their designees. When the time is used or yielded back, the Senate will conduct one rollcall vote, to count for four votes, or ratification of the treaties.

Once that rollcall vote has been concluded, the Senate will return to legislative session to resume consideration of S. 100. Senators should be alerted to the possibility of further rollcall votes, once the Senate resumes consideration of S. 100, following the vote on the treaties.

RESERVATION OF LEADER TIME

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

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

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 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. BIDEN. I understand that statements are limited to 5 minutes in morning business; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be permitted to speak in morning business for 15 minutes.

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

The Senator from Delaware is recognized.

Mr. BIDEN. I thank the Chair.

(The remarks of Mr. BIDEN pertaining to the introduction of S. 1046 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. I thank the Chair.

(The remarks of Mrs. KASSEBAUM pertaining to the introduction of S. 1046 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE FAST-TRACK DISAPPROVAL RESOLUTION

Mr. BAUCUS. Mr. President, the U.S. Constitution carefully divides power between the President and the Congress. This division complicates inter-

national trade negotiations. The Congress is explicitly granted authority to "regulate foreign commerce" and levy duties. But the President is charged with conducting foreign policy and negotiating with foreign nations.

Obviously, 535 Members of Congress cannot conduct international trade negotiations. But the President does not have authority—independent of Congress—to negotiate changes in U.S. duties or trade laws. A bargain had to be struck between the President and Congress to allow the United States to enter international trade negotiations. That bargain is known as fast-track negotiating authority.

Simply put, that fast track allows the President to negotiate trade agreements with the assurance that Congress will vote on the agreement without offering amendments. In return, the President is required to consult with Congress throughout the negotiations.

The bargain retains Congress' authority to make the final decisions on trade policy. But it grants the President's negotiators the credibility they need to enter into trade negotiations with our trading partners.

In 1988, we expanded the fast-track bargain. We granted the President fast-track authority for 2 years to negotiate a new GATT agreement and bilateral free-trade agreements. In return, the Congress set certain objectives for the negotiations and required increased consultations. The Congress also required that the administration pursue a vigorous bilateral effort to remove specific trade barriers using section 301.

Now the President is seeking to extend this bargain for an additional 2 years. Does the bargain still make sense? I believe that it does.

THE PRESIDENT'S SIDE OF THE BARGAIN

Though it was not always true in the past, the administration and the Congress have been partners in recent trade negotiations. Ambassador Hills has been very willing to consult with Congress. Some have said she actually consults too much. And the consultations have been meaningful; the administration has changed the U.S. negotiating position in response to congressional concerns.

In Congress, there is solid support for United States objectives in the Uruguay round regarding trade in agriculture products, trade in services, and protection of intellectual property. But largely at Congress' suggestion, the administration increased the priority assigned to eliminating agricultural export subsidies and lowering tariffs in the GATT negotiations.

More importantly, the administration responded to congressional concerns recently and established a plan to address worker adjustment, worker's rights, and environmental concerns in the negotiations with Mexico.

In addition, the administration has employed the section 301 provisions in the 1988 Trade Act. Though I would have liked to have seen section 301 used more aggressively, the administration has used Super 301 to open markets and has begun to use Special 301 to protect U.S. intellectual property. The Administration also has negotiated bilaterally to open markets for U.S. exports of semiconductors, telecommunication products, airplanes, and other products.

Do not get me wrong. I expect the administration to do more in each of these areas. I further expect the administration to work with us to improve section 301 by adding the Trade Agreements Compliance Act to section 301 and extending Super 301. But thus far, the administration has held up its end of the bargain.

CONGRESS' SIDE OF THE BARGAIN

Now, it is time for the Congress to do its part and extend the fast track.

With an additional 2 years to negotiate, the administration should be able to conclude the current round of GATT negotiations and complete a North American Free-Trade Agreement. A successful Uruguay round could increase exports of U.S. agricultural products, services, intellectual property, and many other products. Over 10 years, U.S. exports could increase by $200 billion and the U.S. economy could grow by $1.1 trillion. That means hundreds of thousands of new American jobs and higher living standards for most Americans.

And the benefits of extending fast track do not stop there. A successful North American Free-Trade Agreement would grant U.S. business unfettered access to a $6 trillion market of 360 million consumers—the largest in the world. This would provide a tremendous economy of scale advantage to United States businesses vis-a-vis their Japanese and European competitors.

But those agreements will not be concluded unless the Congress extends the fast track. History has demonstrated that other nations will not seriously negotiate with the United States without the fast track.

CONCLUSION

Of course, the benefits of free trade will not be held out to us on a silver platter. We will have to compete in international markets to win the benefits.

But if our trade negotiators do their job, U.S. business will be able to compete on a level playing field. And I believe U.S. workers, farmers, and businesses can prosper on a level playing field.

The competitive challenges we will face in international markets are significant. But we cannot bury our head in the sand and ignore them. If the United States is to remain a great country with a strong economy, we must compete, not retreat.

We must reject protectionism, and strive to open markets around the world. Toward that end it is critical that we vote to extend fast-track negotiating authority.

Today, the Senate Finance Committee voted 15 to 3 to extend fast-track negotiating authority. I hope the full Senate will shortly follow suit.

I ask unanimous consent that a series of letters supporting fast-track extension appear in the RECORD immediately following my statement.

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

NATIONAL PORK PRODUCERS COUNCIL,
Washington, D.C., February 27, 1991.

Hon. MAX BAUCUS,
Chairman, Subcommittee on International Trade, Committee on Finance, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the National Pork Producers Council [NPPC], I urge you to move ahead and approve extension of the "fast-track" negotiating authority, so we can continue GATT negotiations. NPPC has been supportive of efforts in the Uruguay Round of the GATT to reduce export subsidies and trade-distorting domestic subsidy programs, and eliminate barriers to market access.

We commend you for your leadership in pursuing a GATT agreement that is fair for U.S. agriculture. We offer our support in any efforts to make sure that these significant trade negotiations continue on course, so we can obtain in multilateral trade agreement that will stimulate world trade in agriculture commodities.

As you know, we benefit from no direct price support programs, but have to compete with the export subsidies of the European Community and a domestic subsidy program in Canada. The European Community has also prohibited any pork imports on the basis of their Third Country Meat Directive. These unfair trade practices, taken separately and together, make it almost impossible for U.S. pork producers to have any opportunity to maintain and expand their markets.

It is our hope that extension of the negotiating authority, coupled with recent positive developments from the EC will provide us with an opportunity to negotiate an agreement that will have long-lasting positive implications for international trade in agriculture.

Sincerely,

MIKE WEHLER,
President.

ANSAC,
Westport, CT, March 4, 1991.

Hon. MAX BAUCUS,
Chairman, International Trade Subcommittee, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This letter urges your support in approving U.S. Trade Representative Carla Hills' March 1, 1991 request for "fast track" authority to complete the Uruguay Round multilateral trade negotiations.

ANSAC, representing the U.S. soda ash industry in exports, has a significant stake in the outcome of the Uruguay Round market access negotiations. Soda ash is the principal raw material for making glass. ANSAC exports approximately $400 million in soda ash

to 43 countries and holds 57 percent of the world's import market.

One of the key reasons for ANSAC's success is attributed to the unique mineral deposits of trona ore which enable this country to supply world demand in soda ash for 1,300 years. Most other soda ash is the world (such as in Japan and Brazil) is produced by a much more costly synthetic process. The last U.S. plant using this process closed in 1986.

Notwithstanding the clear competitive edge this country enjoys, U.S. soda ash exports face an array of highly restrictive tariff and non-tariff trade barriers by a number of foreign countries. Since the inception of the Uruguay Round negotiations, ANSAC has worked closely with U.S. market access negotiators to eliminate trade-distorting barriers in Japan, Korea and India as well as other countries. If ANSAC's goals in the multilateral trade negotiations were realized, this could mean an increase of over $100 million in U.S. exports.

Of particular concern to ANSAC as well as our own trade negotiators is the Brazilian Government's continued efforts to protect its local government-owned soda ash producer from import competition. In December 1990 Brazil replaced its policy of banning imports other than by the state-owned company by introducing a prohibitively high 25 percent tariff. In early February, when Brazil implemented a major tariff reform package, it was officially announced that the soda ash duty would be eliminated. To our surprise, the ink was barely dry on the official notice to eliminate the duty when Brazilian President Collor issued a new Proclamation re-introducing the 25 percent duty. While claiming to U.S. Government officials that duty elimination was a "clerical error", it is clear to everyone that the local producer succeeded in revising the President's earlier trade liberalization announcement.

Senate and House approval of the President's "fast track" negotiating authority enabling the Uruguay Round negotiations to continue is critical to eliminating many of the trade barriers facing the U.S. soda ash industry. In the case of Brazil, as well as other countries, the message will be that if they expect improved market access in this country, they must "pay the price" by eliminating trade barriers to such highly competitive U.S. industries such as ours.

We appreciate your attention to this important matter not only to ANSAC but to the many other U.S. exporters that should greatly benefit from a Uruguay Round Agreement.

Sincerely yours,

JOHN M. ANDREWS,
Chief Executive Officer.

WEYERHAEUSER,
Tacoma, WA, March 6, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: Within the next few weeks you will most likely be asked to vote on extending the "fast track" trade negotiating authority that is set to expire June 1st.

I strongly encourage you to support the President's request for extension and oppose any efforts to alter the "fast-track" procedures by changes in the House/Senate rules.

Extension of this expedited legislative procedure is absolutely essential to successful completion of the GATT Negotiations.

"Fast track" procedures provide needed assurance to our trading partners that agreements that have been successfully negotiated will not be subject to last minute alterations. There would be no incentive to enter such discussions in the first place if there is little likelihood that the product will survive legislative review intact.

I believe that the current requirements for consultation, coupled with the responsibility for final approval, are sufficient measures to ensure that Congressional prerogatives are protected.

This may be one of the more important trade votes of the decade, and I urge you to support extension of the current "fast-track" procedure.

Sincerely,

GEORGE H. WEYERHAEUSER,
Chairman of the Board.

SPIEGEL, INC.,
Oak Brook, IL, March 8, 1991.

Senator MAX BAUCUS,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: The President of the United States has recently sent to the Congress his request for an extension of the Fast Track Negotiating Authority for implementing trade agreements. This authority is essential to the continuation of the leadership which the United States has provided since World War II to open markets and expand world trade. The extension of the authority to negotiate is not an approval of any specific trade agreement. If new trade agreements are negotiated, they must stand or fall on their own merits.

The GATT does not cover a substantial amount of world trade, including agricultural products, services, and high technology. The Uruguay Round of Trade Negotiations, which began in Punta del Este in 1986, was designed to bring into the GATT those areas of world trade not already covered by GATT. The Fast Track Authority is essential to a successful Uruguay Round Agreement. Without such an agreement, American agriculture, high technology, services, and retailers would be faced with new and damaging trade issues.

The continued expansion of world trade is vital to the U.S. market, to U.S. employment, and to U.S. industries. We urge you to extend the authority of the President to negotiate trade agreements so that an open world market built upon non-discriminatory agreements and laws can be more fully developed. Therefore, we urge you not to cosponsor or support any resolutions disapproving the President's request for the extension of the Fast Track Negotiating Authority.

Very truly yours,

MICHAEL R. MORAN,
Vice President, Secretary and General Counsel.

WASHINGTON, DC, *March 18, 1991.*

Re U.S. Mexico Free Trade Negotiations—Fast Track Procedure.

Hon. MAX BAUCUS,
U.S. Senate, Hart Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: NIKE strongly supports the initiative to negotiate a comprehensive trade and investment agreement with Mexico. Generally speaking, such an agreement will have many advantages for the United States such as (i) enhancing the competitive position of the U.S. among emerging trading blocks; (ii) helping develop U.S. borders; (iii) creating jobs in the U.S.; and (iv) giving certainty and predictability to U.S. investors by making Mexican economic liberalization permanent. The footwear industry is specifically advantaged by the elimination of duties on shoes imported from Mexico. This duty reduction will result in substantial savings to U.S. consumers.

There is, however, an important first step which must be taken before the negotiations can get underway—that is maintenence of fast track procedures. The fast track procedures set forth in the Trade Act of 1974 were devised to assure that international trade agreements will be considered by the Congress within a definite time frame. It is NIKE's position that maintenence of fast track procedures is essential to negotiate a comprehensive agreement with Mexico that is in the best interests of the United States.

I intend to work very hard to make sure that fast track procedures are maintained. Your support and assistance is strongly encouraged and always appreciated.

Sincerely,

GRANT W. HANSON.

PHILADELPHIA, PA,
March 18, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Washington, D.C.

DEAR SENATOR BAUCUS: I am writing in support of President Bush's request for a two-year extension of the "fast track" legislative procedure which will enable him to negotiate trade agreements on behalf of the United States.

Scott Paper is the world's leading manufacturer and marketer of sanitary tissue paper products. We have operations in 21 countries and market products in over 60 countries.

As a multinational company, we have consistently been a strong voice in the business community for free trade. We now have a real opportunity to advance the goal of free trade through the revived Uruguay Round negotiations as well as the North American Free Trade talks. Unfortunately, if the "fast track" procedure is not extended, it is unlikely that we will ever be able to realize the expanded trade potential through these negotiations. Without the assurance of a formal procedure of an early vote of approval or disapproval of a trade agreement by the Congress, it is highly unlikely that other countries will be willing to enter into negotiations with the United States. These countries will not, however, be precluded from negotiating agreements among themselves to the inclusion of the interests of the United States.

I would urge you to await the results of the trade negotiations before making a judgment as to their overall benefits, and to support the procedural requirements of extending the "fast track" now so that the President may have the opportunity to pursue our national interest through the negotiation of these trade agreements.

Thank you for your consideration of our views in this important matter.

Sincerely yours,

PHILIP E. LIPPINCOTT.

GREATER OMAHA
CHAMBER OF COMMERCE,
Omaha, NE, March 18, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Washington, DC.

DEAR SENATOR BAUCUS: We are writing to urge you to support President Bush's request for extension of the "fast track" legislative procedure. The Agriculture Council of the Greater Omaha Chamber of Commerce con-

sists of businesses of all types who, with farmers and ranchers, are dependent on the ability of American agriculture to sell competitively on the world market. We have studied and watched GATT developments and feel this "fast track" procedure is essential to continue our efforts to successfully complete the Uruguay Round of GATT and negotiate a North American Free Trade Agreement.

U.S. agriculture can be more competitive on the world market as barriers are removed. This, we contend, will increase demand, increase U.S. farm commodity farm prices, thereby reducing the need for government support. But the negotiations must continue. This GATT round is critical. Failure to complete it successfully will be a long term set back.

Negotiating parties have agreed to achieve "specific binding agreements" in internal supports, export subsidies, and import barriers, according to Ambassador Hills. Rising costs of the Common Agricultural Policy in the European Community are putting pressure on political leaders for reforms. There are good reasons to believe we can negotiate successfully.

Our Agriculture Council also strongly supports a North American Free Trade Agreement. This will open new opportunities for agriculture and help us move closer to a barrier-free world.

Very sincerely,

RICHARD L. GADY,
Chairman, Agriculture Council.
RICHARD HAHN,
Chairman, National Policy Committee.

ASSOCIATED MERCHANDISING CORP.,
Washington, DC, March 22, 1991.

Hon. MAX BAUCUS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BAUCUS: I am writing on behalf of the Associated Merchandising Corporation, the world's largest retail marketing and buying organization, to express our strong support for the continuation of "fast track" negotiating authority.

Those of us in the business community feel strongly that the current trade negotiations—the Uruguay Round, the North America Free Trade Agreement and the Enterprise for the Americas—must be allowed to continue.

We are not yet asking for your support for these agreements since they are still in the negotiating process. However, we do ask that you support the extension of the fast track procedure so that we have the opportunity for trade agreements in the future.

Once these agreements are negotiated, both you and your colleagues will have ample opportunity to decide to support or oppose a specific agreement.

For the present we urge you to not cosponsor a resolution of disapproval and, if there is a floor vote, we ask that you support the extension of fast track authority.

Sincerely,

LEE ABRAHAM,
Chairman.

COMMITTEE ON INTERNATIONAL BUSINESS,
Washington, DC, March 26, 1991.

Hon. MAX BAUCUS,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: The Financial Executives Institute's Committee on International Business (CIB) urges you to support the Administration's request to extend fast-track procedures for the Uruguay Round and a North American Free Trade Agreement.

The Committee on International Business applauds the progress made in some sectors of the GATT talks, such as new protections for intellectual property rights and expanded markets for service industries. CIB believes a successful conclusion of the Uruguay Round will lead to increased economic growth worldwide.

A North American Free Trade Agreement will create the world's largest open market with more than 350 million people with a combined GNP of over $5.5 trillion. An AFT with Mexico will lead to new manufacturing opportunities and supply relationships that will ultimately enhance the competitiveness of U.S. businesses in a global marketplace.

We believe it will increase the demand for labor in this country, and especially in the higher-skilled, higher pay sectors. It will also increase the resources that Mexico needs, and wants, to address its environmental problems.

Financial Executives Institute, the leading advocate for corporate financial management, is a professional association representing over 13,500 senior financial executives from 7,000 companies throughout the United States and Canada.

If we can provide you with any additional information, please feel free to contact Jim Kaitz, Vice President of Government Relations, at (202) 659-3700.

Sincerely,

CARL SLATER,
Chairman, Committee on International Business.

PFIZER,
New York, NY, March 27, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Washington, DC.

DEAR MAX: With the debate over Fast Track intensifying, I wanted you to know Pfizer's perspective on the issue. It is a view shared by others in the pharmaceutical industry. As you know, our principal objective in the GATT, as well as in bilateral negotiations, has been to achieve strong international standards of intellectual property protection. This is crucial to American pharmaceutical companies that comprise one of our most competitive and innovative industries.

In this regard, Pfizer and others have serious concerns about intellectual property protection in Mexico that can and should be addressed at this time. You may recall that Mexico made a commitment last year to introduce a new patent law in 1990 and implement it in 1991. A patent law was introduced last December. The Mexican legislature is expected to take up the law in early May.

As drafted, the proposed Mexican Industrial Property Law contains two provisions relating to the treatment of the U.S. research-based pharmaceutical industry that we find unacceptable. Both would have discriminatory effects on the drug industry and run directly counter to the expressed commitment of President Salinas last year in front of 500 business and government leaders at The Business RoundTable Annual Meeting in Washington, D.C., to provide "world class" intellectual property protection.

The enclosed paper outlines our specific problems with the Mexican law along with the proposed revisions we believe the Mexicans should make prior to its enactment. Also enclosed is a letter to Carla Hills from Gerry Mossinghoff, President of the Pharmaceutical Manufacturers Association, expressing the same concerns.

I very much want the Uruguay Round to succeed and support the concept of a North American Free Trade Agreement. Thus, I want to support Fast Track. However, I also believe Mexico must live up to its commitments on Intellectual Property by addressing our concerns in the proposed patent law now.

For our part, we are continuing our efforts to communicate these concerns about the Mexican draft patent law to our government and the government of Mexico. Any help you can be in this regard would be most appreciated. In all honesty, I do not know how Pfizer could avoid lobbying against a free trade agreement with Mexico unless these problems are addressed. It is my sincere hope that a favorable response from the Mexicans is forthcoming so that we can unequivocally support extension of Fast Track.

Sincerely,

EDMUND T. PRATT, Jr.

NATIONAL GRAIN AND FEED ASSOCIATION,
Washington, DC, March 28, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: The National Grain and Feed Association would like to take this opportunity to express our viewpoints regarding the Administration's request to extend the fast track authority for the Uruguay Round of GATT negotiations and the North American Free Trade Agreement. We strongly believe that rural America's best opportunities for economic growth in the 1990's lie within the successful completion of these potential trade agreements.

The National Grain and Feed Association membership is comprised of 1300 companies that own and operate some 5,000 facilities nationwide. These companies are involved in all aspects of grain and feed marketing and processing, spanning the industry, from large exporting and processing firms to country elevator and feed mill operations. The largest segment of our membership operate facilities in rural communities that directly serve the grain storage and marketing interests of the U.S. farmer.

We believe that the eventual outcome of this Uruguay Round of the GATT may be the most critical determinant of the economic future for U.S. agriculture in the 1990s and beyond. Consequently, we strongly support extension of fast track authority. U.S. markets in the 1970s were spurred by remarkable growth, and the source of much of this growth was exports. The lack of exports in the 1980s, caused in large measure by poorly designed domestic farm programs in the U.S., created depressed economic conditions for both farmers and agri-businesses serving farmers. If U.S. agriculture is going to have an opportunity for a resurgence in market growth that is sustainable in years ahead, it is imperative that we have rational economic policies in both domestic and trade sectors.

Our members have been sorely disappointed in the progress of the current GATT negotiations, but an extension of these talks remains the best hope that U.S. agriculture has for achieving meaningful trade policy reform in the next few years. Some of the impediments to achieving an agreement have been mitigated since the December GATT meeting in Brussels. The European Community, the Japanese and the Koreans who, in December, were unable to

commit to substantive reform of their agricultural policies are now beginning to understand that the U.S. is willing to completely reject a poor trade reform package, even if it means a failure of the Uruguay Round. Also, the European Community's Common Agricultural Policy is running into serious budget problems, providing added economic leverage to reform their trade distortive policies. Director General of the GATT announced in late February that signatories had now agreed to negotiate "specific binding commitments" in three primary areas: 1) domestic support mechanisms; 2) market access; and 3) export subsidies. This is a substantive shift in position by the EC and others and more than adequate reason to let the talks continue under a reasonable time frame.

At this juncture, it is impossible to determine how strong this new commitment by our trading partners is to resume negotiations under expanded parameters. The only way the U.S. can assess the prospects for meaningful trade reform is for Congress to extend the fast track authority. Without this extension, credible negotiations cannot continue. We urge Congress to give the GATT process one more chance to succeed. While these negotiations may yet fail and conclude with no agreement, there is reason to believe that the probability of success is being enhanced by recent events.

U.S. POLICIES HAVE SET THE STAGE FOR TRADE REFORM

U.S. domestic farm policies in the early 1980s became a serious obstacle to U.S. competitiveness in the international marketplace. High domestic supports forced grain into government storage programs rather than allowing grain to be priced competitively and move into world markets. This policy invited the rest of the world to step in to fill the market void by producing more. And fill the void, they did! The U.S. gave up tremendous market share by our own misguided policies, and in the process, we created formidable competitors in world markets.

With the 1985 Food Security Act, the U.S. changed the direction of its domestic policies significantly. Price support levels were allowed to move below market-clearing levels, and the U.S. began a more aggressive program of marketing grain rather than putting it into storage. The results were resumed growth in exports, but we have yet to achieve the market levels experienced in the late 1970s, largely because of the intransigence of resource investments in agriculture made by export competitors in the early to mid 1980s. Disinvestment has been slow, limiting the speed of recovery in exports, but we knew the process would take time. U.S. policies to turn around our agricultural economy had a high price tag. Expenditures under the 1985 legislation amounted to 82 billion dollars. These programs not only increased the U.S. cost of government programs supporting agriculture, but also significantly increased the cost of such programs to other economies such as the European Community.

The U.S. has pursued other policies to improve competitiveness. The Export Enhancement Program was designed to counter unfair trading practices of the European Community. This program has allowed the U.S. farmer to better compete on a playing field that is not level, because of the massive subsidies that are used by other countries. But most importantly, for the purposes of encouraging GATT negotiations, this program has also increased the cost of subsidization and domestic agricultural programs for our trade competitors.

Our members do not support the concept of long-term subsidization of agricultural exports. We believe the Export Enhancement Program has been useful, because as an interim policy, it has given the U.S. economic leverage to achieve meaningful trade reform. Likewise, we believe the U.S. farmer prefers to earn income from the marketplace rather than relying on the federal government, especially in times where budget constraints are forcing a re-ordering of federal budget priorities. In our view, the government expenditures for EEP and expenditures for farm programs since 1985 are best viewed as an investment in support of U.S. agriculture's longterm interests. This is an investment that has made it very expensive for our competitors to continue protectionist policies and has set the stage for the European Community's reconsideration of its hard line position in the GATT. It is an investment that may be lost if we do not give this Uruguay Round of the GATT a real chance to succeed.

THE ADMINISTRATION IS STANDING FIRMLY BEHIND AGRICULTURAL INTERESTS

This GATT round of negotiations is fundamentally different than previous sessions, in that the U.S. government has stated emphatically that unless meaningful trade reform is achieved in agriculture, there will be no agreement. In previous GATT negotiations, especially when the U.S. was concerned that other countries should be given an opportunity to develop their basic agricultural economy, the U.S. may have compromised the economic interests of U.S. agriculture in favor of other policy goals. This round is different. The U.S. is pursuing a more open world market and the economic interests of all sectors, especially those of agriculture, are high on the priority list. The U.S. government's commitment to make meaningful agricultural trade reform the critical linchpin of this Uruguay Round is no longer open to question, as evidenced by events of December 3, 1990. At that negotiating session in Brussels, which was to have been the conclusion of the talks, participating countries failed to reach a compromise on agricultural reform, and negotitators from the U.S. and other nations walked away.

In November 1990, a broad consensus of agricultural organizations signed a letter to Secretary Yeutter confirming that no GATT agreement is better than a bad one. We hold to that position, and remain convinced that our negotiators understand that a poor GATT package that contains few true trade reforms for agricultural interests will be strongly opposed by U.S. agriculture and rejected by the U.S. Congress. What seems most important at this juncture of reconsidering fast track authority is that other signatories to GATT who previously have been unwilling to negotiate agricultural provisions in good faith, are also beginning to understand this unalterable position of the U.S.

U.S. AGRICULTURE'S ECONOMIC LIVELIHOOD IS AT STAKE

Since the early 1980s, the U.S. has been on a policy course of artificially reducing production and enhancing producer income to make up for lost volume through direct payments. This trend has had a ratcheting effect and has put the U.S. into the unenviable position of unilaterally reducing its agricultural production significantly to manage supplies worldwide. Such attempts have proven futile as global surpluses of several crops have evolved, only to be disposed of through aggressive (and sometimes expensive) export marketing efforts. It became clear in the 1980s that continuation of this policy indefinitely would eventually preclude the U.S. farmer from participating in the world marketplace. Current domestic policies are attempting to reverse this trend, but the only way to reverse the trend on a permanent basis is to achieve worldwide policy reform in both trade and domestic policies for agriculture.

The long-term U.S. budget problems and the experience of the 1990 budget agreement make it obvious that U.S. farmers should not look to the federal government for improved levels of income. In fact, government income support to agriculture is more likely to decline than to increase in the foreseeable future. Agriculture needs to look for improved market opportunities, and these GATT negotiations unquestionably provide the best basis for improving export market opportunities.

Some are suggesting that the development of a North American trading block and other trading blocks around the globe may provide some trade benefits. While any reduction in trade barriers would provide benefits for participating countries and we support bilateral efforts to reduce trade barriers, such a strategy taken alone is a very poor second best to meaningful multilateral reform and should not be viewed as an adequate substitute. In addition, a strategy or pursuing only bilateral arrangements is frought with danger. The movement toward a single EC market in 1992 and developments in Eastern and Central Europe, absent of any GATT reforms, would only create an even larger block of countries impenetrable by U.S. exports. And, this will be a block of nations that, if current CAP policies are not reformed, could subsidize even more vast quantities of surplus production. Clearly, now is the best time to achieve multilateral trade reform, if indeed it is possible.

We believe U.S. farmers can compete in international markets. The U.S. has the technology and practical knowledge to produce and aggressively market commodities internationally. The U.S. has the marketing infrastructure to move large quantities of commodities at minimal cost. From a marketing cost standpoint, the U.S. producer is closer to potential importers around the world than ever before. The U.S. farmer deserves access to these markets. In the face of declining government support for agriculture, the U.S. farmer deserves more than ever to have the opportunity to compete on a level playing field.

We do not know what the chances are for success in this GATT round. The EC and others have finally stepped forward and expressed willingness to negotiate, and on that basis, opportunities for success are better than in December 1990. The administration is only asking for the authority to continue negotiations. Any agreement reached can and should be denied Congressional approval if it does not on balance benefit U.S. agriculture. The administration's demonstrated commitment to place agricultural interests at the highest level on the list of priorities, and even to reject meaningful reform in other economic sectors if agricultural reform is not achieved, should make consideration of extending fast track authorization an easy decision for Congress. It should be granted without delay.

Sincerely yours,

KENDELL W. KEITH,
Executive Vice President.

ARLINGTON, VA,
March 29, 1991.

Hon. MAX BAUCUS,
Chairman, Senate Finance International Trade Subcommittee, Washington, DC.

DEAR MR. CHAIRMAN: ADAPSO, The Computer Software and Services Industry Association, wishes to express its support for the Administration's request for extension of fast-track trade negotiating authority.

There is no other major industry where the American presence abroad continues to be so dominant. Recently, *Business Week* cited an estimate that "American companies command nearly 60% of the world's $110 billion market for software and related services" (March 11, p. 98). Last June, numbers published by *Software* magazine show that the top 50 independent U.S. software firms draw 40% of their revenues from abroad (p. 22). As for vendors who offer data communications services, the conclusion of the International Trade Commission in its February Mexican report to the Ways and Means Committee is worth recalling: "An FTA. . . would. . . significantly increase exports of U.S. information and data-processing-based services" (p. xvii).

Accordingly, a successful conclusion of both the GATT and a North American FTA, including meaningful intellectual property and services codes, would be the most positive possible result for the computer software and services industries. The President needs renewed authority so as to negotiate trade agreements. The Uruguay Round has demonstrated the Administration's willingness to be a tough bargainer in the national interest of the United States, and ADAPSO looks for favorable results in both instances. In our judgment, the important questions raised about labor and environmental protections in Mexico are reasons to broaden, rather than to preclude, negotiations. We will be pleased to work with you and the Administration as negotiations proceed, so that the needs of our high-export industry are met in the context of over-all U.S. negotiating goals.

Yours truly,
SHELDON R. BENTLEY,
Functional Vice President, Government Relations.

SCHOLARS FOR FREE TRADE WITH MEXICO,
Falls Church, VA, April 10, 1991.

DEAR MEMBER OF CONGRESS: This letter is written in support of a free trade agreement with Mexico. It supports renewal of fast-track authority for the conduct of those negotiations because it is evident that without this authority it would be impossible to conclude a comprehensive agreement that was not riddled with destructive exceptions. Countries would be unwilling to negotiate trade agreements with the United States executive branch if this were just a prelude to negotiations with 535 persons in the U.S. Congress.

The signers of this letter are university professors or senior analysts at research institutions. None of us represents any special interest. Our only motive in sending this letter is to promote the national U.S. interest, which we are convinced would be served by a free trade agreement encompassing the three countries of North America.

Economists have known since Adam Smith that trade among nations is not a contest in which some countries win and others lose. Trade, like few other international endeavors, increases the welfare of all the nations involved. The extent of the gains may not be equal, but a North American free trade area would clearly be a win/win/win situation for the three countries involved. All economic studies we have seen by respected researchers come to this conclusion. We have yet to see a quantitative study seeking to measure welfare gains in each of the three countries that contradicts this outcome.

Three non-measurable arguments have been made by those opposing free trade. These are that (1) Mexico would have an "unfair" advantage because of its wage rates; (2) the economic development of Mexico would pollute the environment; and (3) Mexico is not a democracy in the U.S. mold and is therefore not worthy of such an agreement. We will deal briefly with each argument.

If low wages are the hallmark of trade success, why are our most successful competitors not low-wage but high-wage countries like Japan and Germany? It is evident that wages are but one element in determining the cost of goods and services. Other aspects include productivity, or output per worker, the sophistication of production and of the human resources. The path to trade success is not low wages but better education. One need only compare the trade success of a Haiti with that of a Switzerland to see this point.

A deeper question must be asked: does the United States wish to compete in world trade on the basis of low wages, or because of the research and innovation content of its output? If we exclude imports on the grounds that the workers are paid less than in the United States, we deny our trading partners the necessary foreign exchange to purchase our goods and services. We have also learned that import protection does not save an industry that cannot otherwise compete. What protection accomplishes is add billions to the consumer bill—and in the end, U.S. jobs are lost in any event, as we have seen in the auto, steel, and textile industries.

Mexico's goal is to raise its wages and to compete on the basis of higher productivity, as South Korea, Taiwan, and Singapore have done. As Mexican incomes rise, so will our exports to them, as we know from our large trade with high-income countries. If we are to import goods in any event—if the solution is not to close our market—it is much better to buy from Mexico and Canada, our neighbors, who buy most of their imports from us. The dollars we spend on imports from Mexico return in high-wage U.S. exports back to Mexico. Keeping out Mexican goods can be done only at the expense of high-wage U.S. jobs.

We do not argue that no U.S. worker will be hurt by increased imports, whether from Mexico or any other country, although we do not expect that large numbers of workers will be displaced during the long phase-in to free trade with Mexico. The solution is not to close our market, but to compensate those who are hurt, including expanded retraining. We do not help our country by forgoing general benefit to temporarily save a few jobs by protection.

We share the concern of those Americans and Mexicans who insist that the price of increased trade and higher incomes should not be promiscuous environmental degradation. We assume that the position of those truly concerned about the environment is not that Mexicans should remain poor because that will keep them clean. One reason for environmental pollution in Mexico today is that the country is poor. Mexico's environmental laws are similar to our own, but the country lacks the resources to enforce them.

We should support the inclusion of some environmental issues such as health and safety standards for consumer products entering the United States in the North America Free Trade Agreement to make clear that increased trade and sound environmental practices are compatible. A broader environmental understanding should be worked out on a parallel track by environmental experts, not in the agreement itself, which will be negotiated by trade specialists. The United States and Mexico have already made progress on environmental issues such as the result of the agreement concerning the border area between the two countries signed in La Paz, Baja California Sur. Environmental protection should not be a cloak for protectionism. If Mexico lacks the resources to enforce the laws already on its statute books, this cannot be corrected by depriving Mexico of the ability to improve its economic situation.

Finally, those of us who have studied Mexico have been impressed by how much political choice there has widened in recent years. The completion of this process of political opening is less likely if the country remains impoverished. The free trade agreement would give an impulse to political democracy that cannot be achieved by outside exhortation or flagrant U.S. interference in Mexican domestic affairs. This latter approach is the surest way to stifle the growing democratic impulse in Mexico.

The opportunity to forge a North American free trade area has come now, on your watch. If the opportunity is missed, it may be decades or more before it comes again—if it comes again. Spurning the Mexican initiative would be seen there as a gesture of U.S. condescension, regardless of how we rationalize our action to ourselves. The political and economic fallout in Mexico would be profound and unpredictable. We would then turn a positive situation into one where there were only losers. We urge you to take the high road of trade promotion and not the dead end of protectionism.

With best wishes.

Clopper Almon, University of Maryland; M. Delal Baer, Center for Strategic and International Studies; John Bailey, Georgetown University; Richard Bath, University of Texas, El Paso; Paul Boeker, Institute of the Americas; Roderic Ai Camp, Central College; Peter Cleaves, University of Texas, Austin; Wayne Cornelius, University of California, San Diego; Rudiger Dornbusch, Massachusetts Institute of Technology; Georges Fauriol, Center for Strategic and International Studies; Paul Ganster, San Diego State University; George Grayson, College of William and Mary; Susan Kaufman Purcell, Americas Society; Robert Pastor, Carter Center, Emory University; Clark Reynolds, Stanford University; Riordan Roett, Johns Hopkins School for Advanced International Studies; Louis R. Sadler, New Mexico State University; Sally Shelton Colby, Georgetown University; Viron P. Vaky, Carnegie Endowment for International Peace; Sidney Weintraub, University of Texas, Austin; Howard Wiarda, University of Massachusetts; James Wilkie, University of California, Los Angeles; Edward Williams, University of Arizona.

(Institutional affiliations are listed for the purpose of identification only. The views contained in this letter represent the personal opinion of the signers and not necessarily of their institutions.)

KMART CORP.,
Troy, MI, April 10, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: On behalf of Kmart Corporation, a major retailer operating in excess of 4,000 stores throughout the United States with annual sales in excess of $29 billion and an employee work force of approximately 333,000 employees, I am writing to let you know our concerns regarding "fast-track" trade negotiations extension.

We believe such authority is essential to continuation of the leadership which the United States has provided since the second World War to open markets and expand world trade. This extension of the authority to negotiate of course is not an approval of any specific trade agreement. If new trade agreements are successfully negotiated, they will stand or fall on their own merits subject to Congressional approval.

Continued expansion of world trade is vital to the U.S. market, to U.S. employment and to U.S. industries. We think any vote against the "fast-track" authority is a vote against all comprehensive negotiations to open foreign markets for U.S. goods, services, agricultural products and to eliminate unfair trade practices.

For these reasons, we urge you to permit extension of authority of the President to negotiate beneficial trade agreements.

Sincerely,

A. ROBERT STEVENSON.

BORDER TRADE ALLIANCE,
Nogales, AZ. April 12, 1991.

U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of the Border Trade Alliance (BTA), I am pleased to provide you with the recommendations of our organization with respect to the U.S. negotiating objectives for the U.S.-Mexico free trade agreement (FTA). The BTA has closely followed the evolution of U.S.-Mexico trade and investment relations since its formation in 1986, and was discussing the concept of an FTA with Mexico even before news of such a possible agreement first appeared in the Wall Street Journal in late March, 1990.

The attached recommendations of the BTA are the product of a lengthy, detailed review by numerous BTA committees of issues which they felt should be part of the negotiation. Participants in these committee meetings included plant managers, city development officials, state officials, custom brokers, bankers, retailers, transportation company representatives and numerous other business people with interests along the border.

As changes occur in the context of trade and commerce between the U.S. and Mexico, we envision making amendments to our positions and recommendations which we will provide for you as they occur.

Your participation with the BTA is deeply appreciated. If you have any questions or comments please feel free to contact me in Nogales, AZ, at (602) 287-3826.

Sincerely,

WILLIAM F. JOFFROY, Jr.,
Chairman.

CONSUMERS UNION,
Washington, DC, April 17, 1991.

Senator MAX BAUCUS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BAUCUS: Enclosed is a copy of a letter Consumers Union recently sent to Ambassador Carla Hills, the U.S. Special Trade Representative. The letter states our support for extension of the "Fast Track" procedure by which the Congress considers approval of international trade agreements. Fast Track is the procedure we urge the Congress to use in considering ratification of a new General Agreement on Tariffs and Trade (GATT).

I urge you, for the reasons stated in both that letter and this, to vote against resolutions that would block the extension of Fast Track. Fast Track may be essential to the very continuation of the Uruguay Round negotiations on the GATT. All others of the nearly 100 GATT negotiating teams except our own are authorized to enter into final agreements at the negotiating table. No changes to the final text can be made by the parliamentary process of any other GATT partner. For this reason, both comity and common sense make it highly unlikely others will continue negotiations if they are bound by their agreements but our commitments are subject to subsequent reservations that would require additional rounds of negotiations.

You have by now received a letter from various other consumer and environmental groups opposed to Fast Track. You may wonder why Consumers Union differs from several of its sister organizations on this issue. The difference is one of emphasis, but it is important.

Those opposed to Fast Track have addressed almost exclusively the concern that the text of the GATT agreement and/or the accompanying implementing provisions will include major revisions of U.S. health, safety and environmental laws. We share these concerns. We, too, would oppose a final agreement that makes such drastic changes. However, we understand that this will not be the case.

Further, we give great weight to the importance that GATT plays in assuring lower consumer prices. Therefore, we are concerned that Congressional approval procedure will permit a GATT agreement we can support to pass, unfettered by special interest reservations that would be the death of the agreement.

For these reasons, I again urge you to vote NO on resolutions to block Fast Track extension. Fast Track is a likely prerequisite to continuation of Uruguay Round negotiations. And it is the only assurance against encumbrance of an acceptable GATT agreement with special interest reservations that would kill a negotiated final agreement.

Sincerely,

MARK SILBERGELD,
Director, Washington Office.

SEARS, ROEBUCK & CO.,
Washington, DC, April 17, 1991.

Hon. MAX BAUCUS,
U.S. Senate,
Washington, DC.

DEAR MAX: On behalf of Sears, Roebuck and Co., I strongly urge your support for extension of the "fast-track" approval process for negotiated trade agreements.

The Uruguay Round of GATT talks and negotiations toward a U.S.-Mexico free trade agreement offer significant potential for expanding foreign markets for U.S. goods. Without fast track, the GATT talks would come to a halt and negotiations with Mexico would not even get off the ground.

Extension of the fast track is consistent with ongoing U.S. efforts to promote free and open international trade in goods and services. Exports are driving our economic growth, and expansion of international trade is critical to future growth in our economy, employment and standard of living.

Support for the extension of fast track does not translate into support for any specific trade agreement. Any final negotiated product must be judged, up or down, on its own merits.

Again, please support the President's request for an extension of the fast-track process.

Thank you for your consideration.

Sincerely,

RANDY AIRES,
Vice President.

THE LIMITED, INC.,
Columbus, OH, April 22, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: As you know, President Bush's Track Negotiating Authority expires on June 1. If the President and his negotiators don't receive the extension the President has requested, we can say goodbye to the prospects for a new GATT agreement. And all Americans will lose.

As a retailer, I know just how important free trade is for The Limited's 3,900 stores. 72,000 employees and millions of customers. Nearly 20 million Americans are engaged in the retail trades, and they generated about $1.8 trillion in sales in 1990 alone. (This translates into significant sales tax revenues for most states, too.) Currently, international trade restrictions on clothing alone cost the average U.S. family $250 per year, lower-income consumers find their purchasing power cut by 3 percent or more as prices on sweaters, socks, shirts and pants get jacked up by 30 to 50 percent by the lack of free trades.

But beyond our business, a GATT collapse could cause severe damage to American agriculture, high technology, even services. Nationwide, increasing exports accounted for about 75 percent of our economic growth last year. This year, export expansion is what's preventing the recession from deepening. And a new GATT could increase our country's GNP by an estimated $300-400 billion by the year 2000. So there can't be much doubt about the possible benefits from a new Uruguay Round Agreement or a Free Trade Agreement with Mexico.

If there is no Fast Track, the only winners will be narrow protectionist interests: the American companies that charge consumers for their inefficiencies, and the foreign industries afraid to compete with American goods.

When it's time to vote on the extension of the Fast Track Negotiating Authority, I hope you'll be on the side of the American consumer. . . . and act in the best interests of our entire country.

Sincerely,

LESLIE H. WEXNER,
Chairman.

COALITION FOR TRADE EXPANSION,
April 22, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR BAUCUS: The undersigned companies, organizations, trade associations and consumer groups urge you to support the extenion of fast-track procedures for Congressional review of trade agreements. Without fast-track procedures multilateral and bilateral negotiations to open foreign markets for U.S. export would grind to a halt.

In 1988, Congress enacted comprehensive legislation to enhance our ability to secure market access for U.S. goods, services, and agriculture. Fast-track authority, extensive consultation procedures and specific negotiating objectives were a key part of Congress' program. It would undercut U.S. market-opening initiatives to abandon this course now.

Our support for the fast-track procedures does not imply we will support final agreements. We will only support agreements that are in the U.S. national and commercial interest. To ensure this outcome, we intend to consult extensively with you and the U.S. negotiators.

We hope that you will support this constructive and balanced approach to the reduction and elimination of foreign trade barriers.

ADAPSO, The Computer Software and Services Industry Association.
AES Interconnect,
A&M Cabinets of Yuma, Arizona.
AM-MEX, International of San Diego, California.
A.P.O.A. (Antimony Products of America).
AT&T.
AT&T International Communication Services of Nogales, Arizona.
Abbott Laboratories.
The Advance Group of Nogales, Arizona.
Aerospace Industries Association.
Aetna Life & Casualty.
Air Products and Chemicals, Inc.
Alcalosa Forwarding.
ALCOA.
Allied-Signal Inc.
Amax, Inc.
America West Industries of Yuma, Arizona.
American Association of Exporters and Importers.
American Brands, Inc.
American Business Conference.
American Business Council of the Gulf Countries.
American Commercial Line.
American Cyanamid Co.
American Electric Power Company, Inc.
American Electronics Association.
American Express Company.
American Furniture Manufacturers Association.
American International Group.
American League for Exports and Security Assistance.
American Paper Institute Inc.
American Petroleum Institute.
American Redemption Systems of Nogales, Arizona.
American West Industries.
AMSPEC Corp.
Anchor Advanced Products.
Anchor Glass Container Corporation.
Andrew & Williamson Sales Co., Inc.
ARICO, Inc.
ARCO.
Arical Paper Products.
Arizona Products Co.
Arizona Public Service, Inc. of Yuma, Arizona.
Arizona Western College.
Armstrong World Industries, Inc.
Artesian Ice, Inc.
Arthur Andersen Worldwide Organization.
Asea Brown Boveri, Inc.
Ashland Oil, Inc.
Assemble in Mexico of San Diego, California.
Automatic Products Co.
Automatic Toll Systems, Inc.
Automotive Parts Exchange.
Avant, Inc. of Nogales, Arizona.
Avia Athletic Footwear/Apparel.
BCI, Inc.
B&H Refrigeration and Solar.
BP America Inc.
B&P Bridge Company of Weslaco.
Badger Meter Co. of Nogales, Arizona.
Bali Company of Nogales, Arizona.
Bank of America.
Bankers Trust Company.
C.R. Bard Inc. of Nogales, Arizona.
Robert F. Barnes Customs Broker.
Baxter International Inc.
Beer Institute.
Bell Atlantic Corporation.
Berg Steel Pipe Corporation.
Teddy Bertuca Company.
Bethlehem Steel Corporation.
Bingham Equipment Co.
The Black & Decker Corporation.
Blackhawk Automotive, Inc. of Nogales, Arizona.
The Boeing Company.
Boise Cascade Corporation.
Border Pacific Railroad Company.
Border Service Sales.
Border Trade Alliance.
Bose Corporation of Yuma, Arizona.
Bristol-Myers Squibb Company.
Britain's Steel and Supplies.
Brown and Root, Inc.
Brown-Forman Corporation.
Brownsville & Matamoros Bridge Company.
Bruce Church, Inc.
Bryan, Gonzalez Vargas y Gonzalez Baz.
Bud of California of Yuma, Arizona.
The Business Roundtable.
Butler Paper Company of Nogales, Arizona.
CCIA, Computer & Communications Industry Association.
CNC Systems Inc. of Nogales, Arizona.
CPC International.
CSX Corporation.
Calexico Chamber of Commerce.
Cal-State Lumber Sales, Inc.
Cameron County International Toll Bridge.
Campbell Soup Company.
Caribbean Latin American Action.
Carlson Systems of Nogales, Arizona.
Carroll Brill-Cinema of Eagle Pass, Texas.
Carter Hawley Hale Stores, Inc.
Casework Systems and Millwork.
Caterpillar Inc.
Central 57 Imp. & Exp. of Eagle Pass, Texas.
Central Power & Light of Eagle Pass, Texas.
Chamber of Commerce of Eagle Pass, Texas.
Chamber of Commerce of the United States.
Chamberlain Distributing Inc.
The Chamberlain Group Inc. of Nogales, Arizona.
Champion International Corporation.
Charcoal Grill of Eagle Pass, Texas.
Chase Manhattan Corporation.
Chemical Banking Corporation.
Chemical Manufacturers Association.
Chevron Corporation.
CIBA-GEIGY Corporation.
CIGNA Corporation.
Circle K Food Stores of Yuma, Arizona.
Citation Carolina Company.
CITICORP.
Citizens for a Sound Economy.
City of Weslaco.
Cleveland-Cliffs Inc.
Coalition of Service Industries.
Coca Cola Bottling of Yuma, Arizona.
Coexport International, Inc.
Coldwell Banker of San Diego, California.
Coleman Products of Nogales, Arizona.
Collectron of Arizona, Inc. of Nogales, Arizona.
The Columbia Gas System, Inc.
Compaq Computer Corporation.
Computer and Business Equipment Manufacturers Association.
ConAgra, Inc.
Construction Industry Manufacturers Association.
Consumer Alert Advocate.
Consumers for World Trade.
Control Data Corporation.
Con-Way Western Express of Nogales, Arizona.
Cooper Industries, Inc.
Copper State Analytical Lab, Inc. of Nogales, Arizona.
Cosmetic, Toiletry and Fragrance Association.
Council of the Americas.
Culiacan Produce Company, Inc.
Dana Corporation.
Dayton-Hudson Corporation.
Deere & Company.
Del Rio Chamber of Commerce of Del Rio, Texas.
Del Rio Hotel of Del Rio, Texas.
Deloitte and Touche of San Diego, California.
Delta Product Co. of Arizona of Nogales, Arizona.
The Deseret Co. of Nogales, Arizona.
The Dial Corporation.
A.B. Dick Products Co. of Tucson (Nogales, Arizona).
Digital Equipment Corporation.
Blake Dobbins.
The Dow Chemical Company.
Dreamland Bedding of Yuma, Arizona.
Dresser Industries, Inc.
Dun & Bradstreet Corporation.
Duthitt Steel & Supply, Inc.
ECS, Inc. of Nogales, Arizona.
E.I. du Pont de Nemours.
E. Pass Natural Gas Corp.
E. Pass & P.N. Bus.
Eagle Grocery & Market.
Eagle Lumber Co.
Eagle Pass Bridge System.
Eagle Pass Ins. Larry Wheeler.
Eastman Kodak Company.
Eaton Corporation.
Jack Eckerd Corporation.
Electronic Industries Association.
Electronic Interconnect System, Inc. of Nogales, Arizona.
Eli Lilly and Company.
El Paso Chamber of Commerce.
Emergency Committee for American Trade.
Emerson Electric Company.
Emery Worldwide of Nogales, Arizona.
Enron.
Equitable Life.
Exxon Corporation.
FMC Corporation.
Federal Express Corporation.
First Chicago Corporation.
First Interstate Bank Ltd.
Arturo F. Flores Trading Co.
Fluor Corporation.
Footwear Distributors and Retailers of America.
Foster Grant Corp. of Nogales, Arizona.
Frank's Distributing Inc.
Fritz Bottling Co. of Yuma, Arizona.
Frontier State Bank of Eagle Pass, Texas.
Fruit of the Loom.
G.A.C. Produce Co.
GTE Corporation.
Mike Garcia Inc.
Gaylord Container Corp. of Nogales, Arizona.
GENCORP.
General Dynamics of Harlingen, Texas.
General Electric Company of Nogales, Arizona.

General Instrument Corp., Jerrold Division of Nogales, Arizona.
General Mills, Inc.
General Motors Corporation.
Genetech, Inc.
Georgia-Pacific Corporation.
The Gillette Company.
Charles E. Gillman Corp. of Nogales, Arizona.
Gilpin's Machine Works of Yuma, Arizona.
Glaxo Inc.
Glen Curtis, Inc.
Gonzalez Customs Servs.
Roberto Gonzalez D.B.A.
T.C. Gonzalez Inc.
Gowan Company.
Gray, Cary, Ames & Frye.
Greater Detroit Chamber of Commerce.
Growers Distributing International, Inc.
Grubb & Ellis.
H.M. Distributors.
Halliburton Company.
Hallmark Cards Inc.
Handling Systems Inc. of Nogales, Arizona.
Hansberger Electric.
Harlingen State Bank.
Al Harris Company Distributors.
Harris Corporation.
Harsco Corporation.
Daniel B. Hastings, Inc.
Hawker Pacific Inc.
Hazchem Environmental Services, Inc. of Nogales, Arizona.
Hershey Foods Corporation.
Hewlett-Packard Company.
Highway Ceramics, Inc.
Hillaven Health Care.
Honeywell, Inc.
Household International.
Houston International of Yuma, Arizona.
Human Inc.
Hytronics West Corp. of Nogales, Arizona.
IBM Corporation.
IMEC.
ITT Corporation.
Ice Produce Distributors, Inc.
Ingersoll-Rand Corporation.
Inland Steel Industries.
Intel Corporation.
The Intellectual Property Committee.
International Assemblers, Inc. of Nogales, Arizona.
International Bank of Commerce.
International Contract Carriers.
International Franchise Association.
The International Investment Alliance.
International Paper Company.
J&A Products, Inc.
Javid Industries of Nogales, Arizona.
Jeffer's Electronics of Nogales, Arizona.
Jennings, Engstrand and Henrickson.
Jeyco Produce Company, Inc.
William F. Joffroy, Ins. Customs Brokers of Nogales, Arizona.
Johnson & Johnson.
Wilson Jones of Nogales, Arizona.
Valentin Juve, Inc.
K-Mart Corporation.
KPMG Peat Marwick.
Kaliroy Produce.
Kellogg Company.
Kimberly-Clark Corporation.
Kirk Enterprises.
Kroger Company.
L.B.Q. Fruit & Produce Company, Inc.
LTV Corporation.
La Villa de Paris.
Lee's Manufacturing, Inc.
Lipoco.
Lisa, Inc.
Litton Industries, Inc.
Los Ebanos International Ferry.
Luce, Forward, Hamilton, Scripps.
M&M of Nogales, Arizona.
MTN Coalition.
Made in Mexico of San Diego, California.
Magnetic Metals Corp. of Nogales, Arizona.
Mandel/Amerifresh.
Manufacturers Hanover Corporation.
Benito Martinez G, Inc.
Rogelio D. Martinez Inc.
Maverick Arms, Inc.
Maverick County.
Maverick County Development Corp.
Maverick County Private Industry Council.
McAllen-Hidalgo-Reynosa Bridge.
McDonnell Douglas Corp. of Yuma, Arizona.
McElhaney Cattle Co.
McKesson Corporation.
Mead Corporation.
Melton Associates of Nogales, Arizona.
Mercantile Bank, N.A.
Mexico-Texas Bridge Owners Association.
Meyer Tomatoes.
Mid-America Committee.
Mobil Oil Corporation.
Mohawk Wholesale & Equip of Yuma, Arizona.
Molex Corp. of Nogales, Arizona.
Monsanto Company.
Motorola, Inc.
NCNB Corporation.
NCR Corporation.
Nalco Chemical Company.
National Association of Manufacturers.
National Association of Stevedores.
National Corn Growers Association.
National Electrical Manufacturers Association.
National Foreign Trade Council.
National Forest Products Association.
The National Plant and Coatings Association.
National Printing Equipment and Supply Association.
National Retail Federation.
Naumann/Hobbs Material Handling, Inc. of Nogales, Arizona.
The New England Council, Inc.
The New York Chamber of Commerce and Industry.
The New York City Partnership.
Nogales-Santa Cruz Chamber of Commerce.
Nogales-Santa Cruz County Economic Development Foundation.
North American Export Grain Association.
NYNEX Corporation.
Odyssey of America/Yuma.
Offshore Factories, Inc.
Olin Corporation.
Q.C. Onics of Harlingen, Texas.
Otay Mesa Chamber of Commerce.
PPG Industries, Inc.
Pacific Coast Council of Customs Brokers and Freight Forwarders Assn., Inc.
Palenque Produce Distributors, Inc.
Pasquinelli Produce Co.
Paxton, Shreve and Hays.
Penn Neon Sign Co., Inc.
J.C. Penney Company, Inc.
PepsiCo, Inc.
Perkin-Elmer Corporation.
D.D.C. Pertec of Nogales, Arizona.
Phelps Dodge Corporation.
Philip Morris Companies Inc.
Phillips Petroleum Company.
R.A. Pina & Associates of Nogales, Arizona.
Bill Polkinhorn, Inc., Customs Brokers.
Porter International.
Power One.
Premium Produce Distributors, Inc.
Prestolite Wire Corp. of Nogales, Arizona.
PRE-VENT Tronics Corp. of Nogales, Arizona.
Price Waterhouse World Firm.
The Procter & Gamble Company.
Pro Trade Group.
The Prudential Insurance Company of America.
The Quaker Oats Company.
Quality Tile Distributors.
Quantum Manufacturing of San Diego, California.
RJR Nabisco, Inc.
Reader's Digest Association.
Reebok International Ltd.
Retail Industry Trade Action Coalition.
Revenue Markets, Inc.
Reynolds Metals Company.
Rio Grande City Chamber of Commerce.
Rio Grande Resources, Inc.
Rio Grande Valley Chamber of Commerce.
Roadway Services Inc.
The Rockport Company, Incorporated.
Rockwell International.
Rohm and Haas Company.
A.F. Romero & Co., Inc. Customs Brokers.
Romic Chemical Corp. of Nogales, Arizona.
Kim Rothschild of Nogales, Arizona.
Russell Coil Co., Inc. of Yuma, Arizona.
Ryder Systems, Inc.
Samsonite Corp.
Sandia Distributors.
San Diego Customs Brokers Association.
San Diego Economic Development Corporation.
San Luis Distributors, Inc.
San Rafael Distributing, Inc.
Sante Fe Pacific Corporation.
Sanyo North America of San Diego, California.
Scott Paper Company.
Sea-Land Services, Inc.
Sears, Roebuck & Company of Yuma, Arizona.
Security Pacific Bank Corporation.
Semiconductor Industry Association.
Bill Shannon Dist. Co.
Shape Magnetronics Co. of Nogales, Arizona.
Shell Oil Company.
A.O. Smith Corporation.
Solar Turbines Incorporated.
S.P.R. Sonora.
Sound Investments Unlimited, Inc.
Southern California Edison Company.
The Southern Company.
Southern Pacific Transportation Company.
Southwestern Bell Corporation.
Southwestern Motor Transportation.
Southwestern Steel Col, Inc. of Yuma, Arizona.
Southwestern Systems of Yuma, Arizona.
Sparkle Ice of Yuma, Arizona
Spectra Star Kites, Inc.
Springs Industries.
Starr-Camargo Bridge Company.
Starr County Industrial Foundation.
Starr County International Bridge System.
Starr Produce Company.
Startex, Inc.
Stillman & Wynman, Inc.
Sucasa Produce, Inc.
Sun Microsystems, Inc.
Sun River Distributing of Yuma, Arizona.
Super Value Stores, Inc.
TRW Inc.
TSE Brakes.
T&T Ind. Mario De La Cabada.
Telecommunications Industry Association.
Tenneco Inc.
Tepeyac Produce Company.
Texaco Inc.
Texas Apparel.
Texas Instruments Incorporated.
Texas Metals, Inc.
3M Company.
Time Warner Inc.
Tradeways Ltd.

Trammel Crow of San Diego, California.
The Travellers.
Triple E Produce Corporation.
Tucson Scale & Food Equipment.
Turner Laboratories of Nogales, Arizona.
Tusonix, Inc. of Nogales, Arizona.
U.S. WEST, Inc.
USX Corporation.
Union Camp Corporation.
Union Carbide Corporation.
Union Pacific Corporation.
The Unisource Corp. of Nogales, Arizona.
UNISYS Corporation.
United Iron Works & Truck.
United Manufacturing, Inc. of Yuma, Arizona.
United Parcel Service.
United States Association of Importers of Textiles and Apparel.
U.S. Council for International Business.
U.S. Council of the Mexico-U.S. Business Committee.
United Technologies Control System of Nogales, Arizona.
United Technologies Corporation.
Unocal Corporation.
The Upjohn Company.
Valencia International Inc. of Nogales, Arizona.
Valley Equipment Corp., Inc.
Valley Mattress & Upholstery.
Valve Manufacturers Association of America.
Varian Associates.
Verbatim of Nogales, Arizona.
Vertel International of San Diego, California.
VIRCO.
Walbre Corp. of Nogales, Arizona.
Warnaco Inc.
Warner-Lambert Company.
Waste Management, Inc.
Wells Fargo Bank.
Wellton Mohawk Irrigation & Drainage District.
West Cap, Co. of Nogales, Arizona.
West Coast Industries, Inc. of Nogales, Arizona.
Western Maquiladora Trade Association of San Diego, California.
Westinghouse Electric Corporation.
Weyerhaeuser Company.
Whirlpool Corporation.
Wickstrom Chevrolet Co. of Eagle Pass, Texas.
The Williams Companies, Inc.
J.K. Wilson Produce Company.
Winchester Electronics Div., Litton Inc. of Nogales, Arizona.
Charles A. Winn, Inc. of Eagle Pass, Texas.
Wohler Imports, Inc.
World Trade Association of San Diego, California.
Xerox Corporation.
Yuma Daily Sun.
Yuma Regional Medical Center.
Yuma Truss Co.
Yuma Worc Center.
Zenith Electronics Corporation.
Zero Tariffs Coalition.

PRICE WATERHOUSE,
New York, NY, April 24, 1991.

Hon. MAX S. BAUCUS,
U.S. Senate, Washington, DC.

DEAR MAX: I am writing to urge you to support the extension of "fast-track" procedures for Congressional review and approval of international trade agreements by voting against legislation which disapproves this authority. Fast-track, scheduled to expire on June 1, 1991, is critical to furthering negotiations on several trade agreements vital to this nation's economic interests. Without fast-track, the "Uruguay Round" will collapse and the North America Free Trade negotiations including the United States, Canada and Mexico, will not begin.

Fast-track authority gives U.S. negotiators the same bargaining power as their counterparts, that is, the ability to ensure that the agreement reached internationally would be the agreement voted on at home—and thereby assures that they are not at a disadvantage at the negotiating table. Extending fast-track would in no way diminish Congress' ability to express its views and reject any agreement it believes is not in the national interest.

We are all concerned about the competitiveness of this nation now and in the years to come. To maintain and enhance American competitiveness, I urge you to support continuation of fast-track procedures.

Sincerely,

SHAUN F. O'MALLEY,
Chairman and Senior Partner.

PFIZER INC.,
New York, NY, April 24, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Washington, DC.

DEAR MAX: Since I last wrote to you about our concerns regarding intellectual property protection in Mexico, there have been some positive developments that have led Pfizer to strongly support the extension of Fast Track. The pharmaceutical industry as a whole shares this view.

It seem that our efforts to communicate our concerns with the proposed Mexican patent law to our Government and the Government of Mexico have been successful. We are now confident that Ambassador Hills is committed to achieving acceptable solutions to these problems and believe a strong intellectual property law will be enacted in Mexico.

Given these developments and the substantial benefits to our industry that would result from a strong international intellectual property agreement, I firmly believe negotiations to complete the Uruguay Round and a North American Free Trade Agreement must proceed. For that we need Fast Track. It is a negotiation process that has served us well and offers the opportunity to achieve trade agreements that will continue to serve the long term economic interests of the United States.

In short, Pfizer and the pharmaceutical industry believe Fast Track extension is essential and strongly urge you to support it.

Sincerely,

EDMUND T. PRATT, Jr.

CITICORP CITIBANK,
Washington, DC, April 25, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR BAUCUS: I am writing to urge that you support President Bush's request for extension of "Fast Track" trade negotiating authority. Fast Track is essential for the successful completion of both the Uruguay Round of GATT negotiations and a North American Free Trade Agreement (NAFTA) with Canada and Mexico.

We at Citicorp consider this issue from both a global and a domestic perspective. We are active in 96 countries around the world, with more than 40,000 employees throughout the U.S. Our added competitiveness in foreign markets will strengthen our corporation, increasing our ability to sustain and create jobs in the U.S. It will also increase our ability to provide global financial support, when needed, to Montana companies.

Both the Uruguay Round and the NAFTA are of prime importance to the financial services industry in general, and to Citicorp in particular. If successfully completed, the Uruguay Round would provide the GATT with its first ever agreement on financial services. U.S. banks would then have the ability to do business in countries that have denied us access for decades. Likewise, the NAFTA could eliminate barriers in the Canadian and Mexican banking systems that have kept us from freely competing in those countries.

A successful GATT Round could net U.S. businesses up to $300 billion over the next decade by opening up markets for our goods and services, and by reducing existing tariff and non-tariff barriers. The NAFTA would create a market of 360 million consumers with an annual GNP of $6 trillion and a combined output 25% larger than the European Common Market. But without Fast Track authority, both the Uruguay Round and the NAFTA will surely fail, and we will will have lost the opportunity to complete two of the most significant trade agreements in the post-War era.

Thank you for your thoughtful consideration.

Sincerely,

ROBERT C. WELLS.

SEA-LAND SERVICE, INC.,
Edison, NJ, April 30, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR BAUCUS: On behalf of Sea-Land Service, Inc. I want to urge your support for the Administration's request for an extension of the "fast track" legislative procedure that will allow it to pursue international trade agreements on behalf of the United States.

Sea-Land Service, Inc., a unit of CSX Corporation, is the largest U.S.-flag container shipping company and a world leader in intermodal freight transportation and related services. Sea-Land operates more than 70 containerships in U.S. and foreign trades, supported by an extensive transport network serving 70 countries and territories worldwide.

Sea-Land supports an extension of "fast track" authority in the firm belief that without it, the U.S. would not be able to negotiate trade agreements in good faith and as a consequence, would no longer be able to negotiate at all. Without an expedited and proscribed legislative procedure of the sort offered by "fast track," our trading partners would have no assurance that any mutually agreed international pact would be accepted by the U.S. Congress intact, or even considered in a timely fashion.

Sea-Land believes "fast track" offers extensive opportunity for the involvement of Congress in the negotiating process—opportunity carefully delineated by the Congress itself when it first drafted and approved the procedure. For example, the procedure requires the President to notify Congress 90 days in advance of his intent to sign an agreement. During this period Congress can thoroughly review all provisions of the agreement and request changes before the negotiations are concluded. Strong Congressional opposition to a given proposal will signal the President that, absent a modification to address the problem, the entire trade agreement could be jeopardized under the "up" or "down" vote that is required. No Administration would be willing to risk such an outcome without making a monumental effort to assuage the concerns of Congress.

Congress also has an opportunity to shape an agreement during the drafting and debate of the implementing legislation that must be passed to give legal domestic effect to any agreement. While Congress cannot alter the fundamental purpose of the particulars of the agreement, the details and legislative history developed during the process can effect and guide its implementation in our country.

In the last analysis, Members of Congress who decide a trade agreement is not in the best interests of their constituents can, and should, vote "no."

Finally—and most importantly—Sea-Land would point out that a vote on "fast track" is not—as some opponents are attempting to paint it—a vote for or against any one trade agreement that may or may not emanate from the negotiations it will insure. Indeed, our company reserves the right to oppose vigorously any agreement that we determine is not in our commercial interest. We do believe, however, that the nation is ill served when it is not able even to participate in the negotiating process. The United States must sit at the bargaining table in order to advance our national—and our sectoral—interests, and only an extension of the "fast track" authority will allow that to happen.

Trade is the life blood of an international transportation company such as Sea-Land. Without it, our business cannot grow and prosper. But trade—fair trade—does not take place in a vacuum. It is the product of the painstaking negotiations of many sovereign nations, only one of which is the United States. The U.S. must be able to say to its trading partners that it has in place a domestic legislative procedure that will provide a timely and fair review of the product its negotiators bring back home. As you know, that is what "fast track" is designed to offer, and we urge your approval of its extension.

Sincerely,

ALEX MANDL.

NAWGA,
Falls Church, VA, May 1, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Washington, DC.

DEAR SENATOR BAUCUS: Congress will soon be faced with one of the most important economic decisions of the year, if not the decade, when it votes on extension of the fast-track authority as it relates to the U.S.-Mexico free trade agreement and GATT negotiations. For those of us involved in the food and agriculture industry, this is a critically important vote.

Enclosed is a summary of the testimony I gave last week before the House Agriculture Committee in support of fast-track extension. As you can see from the enclosed list, over 60 individuals and organizations have endorsed my testimony, including six former secretaries of agriculture. I want to bring that list and this information to your attention as you decide on the merits of fast-track and the free trade agreement.

With kindest regards,

JACK.

OVER 60 U.S. FARM LEADERS AND ORGANIZATIONS JOIN TOGETHER IN SUPPORT OF FAST-TRACK AUTHORITY AND A NORTH AMERICAN FREE TRADE AGREEMENT

Over 60 agricultural leaders and organizations of the Citizens Network for Foreign Affairs' National Agricultural Advisory Committee (NAAC)—including seven former Secretaries of Agriculture—have formed a Task Force in support of a North American Free Trade Agreement and the extension of fast-track authority. NAAC chairman, former Secretary of Agriculture John R. Block, today testified on behalf of the Task Force before the House Committee on Agriculture in support of fast-track authority and a North American Free Trade Agreement.

The NAAC is made up of national and regional agriculture and agribusiness leaders. Its purpose is to provide U.S. agriculture with a "focal point" on American agriculture's stake in the U.S. relationship with the world's emerging economies, and as a means to build national policy consensus on critical international issues confronting public and private sector leaders.

Secretary Block's testimony, followed by a list of the Task Force members, is attached herewith:

SUMMARY OF THE TESTIMONY OF HON. JOHN R. BLOCK

This testimony is on behalf of the NAAC's Task Force on the North American Free Trade Agreement.

Time to engage the world economic challenge

All thoughtful Americans understand the crucial and rapidly growing importance of overall global economic growth to the nation's economic well-being. Although the general world-wide move toward freer markets is in many respects a victory resulting in part from a steadfast American foreign policy since 1945, this development also constitutes a challenge.

Specifically, Americans must decide whether they are willing to embrace a global view of business and international economics; the alternative, the adoption of protectionism and economic isolationism, will lead to trade wars from which no nation, including the United States, will benefit. A study by the USTR demonstrated the importance of exports to the U.S. economy when it stated that "since the Uruguay Round was started in 1986, export expansion has been responsible for 40 percent of total growth in U.S. GNP. In 1990, export growth accounted for 88 percent of U.S. economic growth."

Foreign trade is becoming increasingly important to our farm and agribusiness sectors.

U.S. agricultural exports were more than $40 billion in fiscal 1990.

The production from 25-30 percent of U.S. harvested crop acreage is exported each year.

About a fifth of farmers' cash receipts come from exports.

Exports of farm commodities support a half-million farm jobs, plus another half-million nonfarm jobs in processing, packing, and shipping agricultural exports.

Over half of some U.S. crops, such as wheat, rice, almonds, and sorghum, are produced for the export market.

U.S. agriculture is inseparably linked to the global marketplace. Future growth in demand for U.S. products will largely be outside the United States. Reliance on our relatively stagnant domestic markets will result in a shrinking agricultural industry. Over the next twenty years, the U.S. population will add 30 million people. The world population will grow by nearly two billion, and 90 percent of that growth will occur in less developed countries where food needs are greatest.

The Importance of the North American Free Trade Agreement

1. The successful establishment of a North American Free Trade Agreement (NAFTA) is vitally important to the healthy and cooperative development of the American, Canadian, and Mexican economies, since it would enhance the flow of goods, services, and investment between the three countries while also creating millions of jobs.

2. The existence of this free trade zone, with its 365 million consumers and a total output of $6 trillion, would spur the U.S. economy, while also promoting the economic well-being of our two closest neighbors, a development that is also in our own interest.

3. Since 1980, U.S. exports to Mexico and Canada have doubled, going from $55.3 billion to $111.4 billion. U.S.-Mexico bilateral farm trade reached a record level of $5.1 billion in 1990, about $150 million higher than 1989 and nearly $1.0 billion higher than in 1988. Mexico was our largest supplier of agricultural imports (after Canada), with total shipments of a record $2.6 billion in 1990. Mexican agricultural imports include: livestock, poultry and poultry products, feed grains, especially corn and sorghum, oilseeds, protein meals, and wheat and wheat flour.

4. U.S. agricultural exports to Mexico varied fairly dramatically during the 1980s, falling from about $2.5 billion in the early 1980s to $1.0-$1.2 billion in 1986-87, before rising to a record level of $2.7 billion in 1989. Many agricultural imports from Mexico are complementary products in that they are not produced in the U.S. or produced in only limited amounts, i.e, coffee, cocoa, bananas, etc.

5. The creation of a North American Free Trade Agreement (NAFTA) covering a region from the Yukon to the Yucatan would give U.S. exporters greatly increased access to a Mexican market of 88 million consumers, who by the year 2000 are expected to number 100 million. 50% of Mexico's population is under 15. Teenagers' and young adults' food requirements are higher than those of other age groups.

6. Thus, the United States has within its reach the exciting opportunity to create a great economic partnership that provides long-term prosperity to all three countries and helps all three to compete effectively in the global markets of the future.

The concerns of those skeptical of NAFTA should be addressed

There are reasonable people who do not yet recognize the importance of a NAFTA. Many of their concerns focus on issues related to health standards, labor laws, and the environment. In this regard, it is important to note that:

1. Uniform health regulations across an integrated market should improve food quality and safety. The U.S. is not about to abandon its food safety laws. The Mexicans are making great strides toward updating their environmental standards—those differences still remaining can be addressed and resolved by bilateral talks between the nations.

2. A healthier Mexican economy will greatly increase the number of new jobs in Mexico.

3. Environmentally-protective policies can best be implemented when the implementing government has a healthy, growing economy. Once the FTA stimulates growth in the Mexican economy, the increasing numbers of employed and more financially comfortable Mexicans will constitute a natural domestic environmental constituency in Mexico. By working to improve Mexico's standard of living, we will also be providing them the opportunity to improve their environmental safety standards.

Thus, a mutually beneficial NAFTA can be worked out through commitment, dedication and belief in the overall goals that can be achieved. The crucial importance of these goals requires that differences and problems be resolved by people committed to building

a better world through economic growth and freedom.

The importance of fast-track negotiations

An extension of the U.S. fast track authority is a prerequisite for continued negotiations in the GATT and for commencing talks with Mexico and Canada on a North American Free Trade Agreement. Without fast track, any negotiated package sent to Congress is subject to multiple amendments which could unravel the entire agreement. Specifically, without fast track, our negotiators cannot assure our negotiating partners that the deal they agree to will be the one that will be voted on by Congress. Without that assurance, foreign governments are reluctant to give their bottom line knowing that the deal could be reopened. Our negotiating partners will not negotiate with the United States if they know that Congress will probably amend any agree package, thus upsetting the balance of concessions and benefits that made the package acceptable to all parties in the first place.

Most important, as part of the fast track process, the administration will cooperate with the Congress during the negotiation, approval, and implementation of trade agreements. To ensure input from the Congress and the private sector, the fast track statute requires extensive consultation and notification. The Congress is an active partner at each step along the way from initiation to implementation.

The North American Free Trade Agreement Task Force of the National Agricultural Advisory Committee of the Citizens Network for Foreign Affairs and its undersigned members believes:

1. The fast track authority should be extended and the negotiation of a NAFTA should proceed as rapidly as possible.

2. The NAFTA offers significant market opportunities for the U.S. agricultural sector and also for Mexico and Canada. The NAFTA can be a big step in reforming the world agricultural trading system which has unfairly hurt American farmers.

3. A NAFTA provides the opportunity for the U.S. to make progress not merely in economic trade but in our broader agenda, including food safety, environmental protection, and labor standards.

Many critical issues must be decided. But they can be resolved and should not be allowed to be a stumbling block in the way of completing of the NAFTA.

4. America's food and fiber producers and processors will be able to compete with Mexican and Canadian counterparts and will have new opportunities to forge partnerships and joint ventures for the benefit of all. We have confidence in the system in this country that has set up the most efficient and productive system of agriculture in history.

5. The GATT inconsistent import license requirements mandated by Mexico on agricultural products need to be resolved. It is estimated that these requirements cost our agricultural sector some $250 million in 1989 in lost sales. The NAFTA provides the best vehicle for resolving and removing these unpredictable non-tariff barriers.

6. Congress and the American people need to have a full understanding of the fast track and NAFTA process. Congress should recognize that it will and must play an important role in the negotiation process.

7. The U.S., after everything is taken into consideration, must cautiously but steadily pursue a complementary and mutually beneficial free trade agreement. An agreement that all countries involved should pursue equally. We strongly support the extension of fast track authority and the negotiation of a North American Free Trade Agreement.

The undersigned members of the North American Free Trade Agreement Task Force of the National Agricultural Advisory Committee of the Citizens Network for Foreign Affairs strongly support the above statement:

1. Hon. John R. Block
2. Hon. Clayton K. Yeutter
3. Hon. Richard E. Lyng
4. Hon. Orville L. Freeman
5. Hon. Clifford M. Hardin
6. Hon. Earl L. Butz
7. Hon. Bob Bergland
8. John A. Schnittker
9. Robert L. Thompson
10. Farmland Industries, Inc.
11. National Rural Electric Cooperative Association
12. National-American Wholesale Grocers' Association
13. American Farm Bureau Federation
14. ConAgra, Inc.
15. Archer-Daniels-Midland
16. Pioneer Hi-Bred International, Inc.
17. U.S. Feed Grains Council
18. National Corn Growers Association
19. Cargill, Inc.
20. Continental Grain Company
21. National Pork Producers Council
22. Board of Trade of Kansas City, Missouri, Inc.
23. American Society of Agricultural Consultants.
24. American Soybean Association
25. Fresh Farms, Inc.
26. Winrock International
27. Riviana Foods Inc.
28. Uncle Ben's, Inc.
29. Doane Agricultural Services Company
30. Sunkist Growers, Inc.
31. National Oilseed Processors Association
32. National Cattlemen's Association
33. National Grain Trade Council
34. Scoular Grain Company
35. Terminal Elevator Grain Merchants Association
36. Louis Dreyfus Corporation
37. North American Export Grain Association
38. National Barley Growers Association
39. American Meat Institute
40. GROWMARK, Inc.
41. Rice Growers Association of California
42. Farmers' Rice Cooperative
43. Daniel G. Amstutz
44. E.A. Jaenke
45. Equipment Manufacturers' Institute
46. Sweetner Users Association
47. Griffin & Brand of McAllen, Inc.
48. Rice Millers' Association
49. Millers' National Federation
50. Ag Processing, Inc.
51. International Apple Institute
52. National Grain and Feed Association
53. American Oat Association
54. Riceland Foods
55. American Seed Trade Association
56. Corn Refiners Association, Inc.
57. Burlington Northern Railroad
58. Harvest States Cooperatives
59. Chocolate Manufacturers Association
60. National Confectioners Association
61. National Turkey Federation
62. Union Equity
63. National Sunflower Association
64. International Forest Products Association

NOTE.—This statement represents the opinions of the members of the Task Force on the North American Free Trade Agreement of the Citizens Network for Foreign Affairs' National Agricultural Advisory Committee and is not necessarily meant to represent the views of the Citizens Network for Foreign Affairs. The Citizens Network for Foreign Affairs is a public education, public policy organization which limits its activities to educating Americans on the U.S. stake in its international relationships and to enhancing and expanding the policy dialogue on major international issues.

AMERICAN BAR ASSOCIATION
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, May 8, 1991.

Hon. MAX BAUCUS,
Committee on Finance, U.S. Senate, Washington, DC.

DEAR SENATOR BAUCUS: We understand that your Committee will consider shortly resolutions disapproving extension of fast-track procedures for international trade agreement implementing bills. The American Bar Association strongly supports extensions of fast-track negotiating authority. On behalf of the ABA's 360,000 members, we urge you to report any disapproval resolution unfavorably and to vote to defeat disapproval when the full Senate votes later this month.

The American Bar Association believes that the fast-track procedure is an essential prerequisite to trade negotiations. Other countries will not enter into a bargain with the United States if the negotiated agreements can be reopened through selective amendments; an up-or-down vote on the agreement is critical. Recognition of these facts of life inspired Congress to create the fast-track procedure in the Trade Act of 1974, and every President since then has had this authority. It is vital that the two-year extension provided for in the 1988 Omnibus Trade and Competitiveness Act be allowed to go forward.

The fast-track procedure preserves the full Constitutional authority of Congress in international trade. Moreover, in his May 1, 1991 letter to Congress, the President gave his personal commitment to close, bipartisan cooperation to ensure active Congressional involvement in upcoming trade negotiations.

In supporting the fast-track process, the ABA takes no position on the merits of any agreements that might result. The time for judgment on the merits is at the conclusion of negotiations, when an agreement is presented to Congress for its consideration. It appears certain, however, that Congress will have no agreements to assess unless fast-track procedures are assured.

We urge you to work for an extension of fast track.

Sincerely,

ROBERT D. EVANS.

THE ONGOING VIOLENCE IN KASHMIR

Mr. METZENBAUM. Mr. President, violence in the northern Indian Province of Jamu and Kashmir continues unabated. Thankfully, it now appears that independent human rights workers and journalists are being permitted to travel freely in contested areas, a change from the Indian Government's recent restrictive policies.

Nevertheless, an intolerably large number of civilians continue to be victims of governments attempts to quell violence by Kashmiri militants. There is provocation by militant groups, and

this the government has a right to address. The problem is that a clear pattern of government violence directed at civilians has emerged under the pretense of putting down separatist violence.

Mr. President, on March 21, 1991, submitted Senate Resolution 91, a resolution regarding the search for peace and protection of human rights in Kashmir. It is my hope that the Senate will see fit to act positively on Senate Resolution 91 in the near future.

For the time being, we can only watch developments in Kashmir. We hope that the democratically elected government of India will be able to impose better discipline on its security forces in Kashmir.

In this regard, I ask unanimous consent that the following documentary evidence of developments in Kashmir be printed at the conclusion of my remarks: A May 9, 1991, article from the New York Times, and the summary pages of the report, "Human Rights in India: Kashmir Under Siege" issued by the respected human rights group Asia Watch on May 5, 1991.

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

HUMAN RIGHTS IN INDIA KASHMIR UNDER SIEGE

(An Asia Watch Report, May 1991)

I. INTRODUCTION

Jammu and Kashmir, India's northernmost state, lies south of one of the highest ranges of the Himalayan mountains in a region bordering Pakistan, Tibet and China. The state comprises the areas of Jammu, on the plains below the Pir Panjal mountain range, and the Kashmir valley, which lies between the Pir Panjal and Pangi ranges south of the highest peaks of the Karakoram mountains. The state also includes Ladakh, bordering Tibet. Throughout the report, we have used the term, "the valley," to describe that part of the state that lies in the valley of the Jhelum river and includes the towns and villages of Handwara, Baramulla and Sopore to the northwest, Anantnag to the southeast and Srinagar, the state's summer capital,[1] in the center.

Jammu and Kashmir is the only Indian state in which Muslims represent a majority.[2] The state's political status within the Indian union has been a source of considerable controversy and the site of three border wars since the partition of British India into the independent nations of India and Pakistan in August 1947. The legitimacy of Kashmir's accession to India is disputed by Pakistan and by separatist groups in Kashmir, but because of Kashmir's strategic and symbolic importance,[3] India's central government has resisted negotiations on the status of the territory since 1948. Instead, it has sought to retain control over the state by marginalizing nationalist Kashmiri political leaders and engineering electoral victory for parties supporting the center.

The agreement under which the state of Jammu and Kashmir became part of India promised the state government autonomy in all regional affairs, leaving only foreign affairs, defense, and communications to the central government. Jammu and Kashmir is also the only state in the Indian union with its own constitution. However, that autonomy never materialized as the central government disregarded constitutional provisions protecting the state's separate status and enacted legislation bringing the state increasingly under the control of the center. Political leaders in Kashmir who demanded genuine autonomy and who protested the central government's interference in local politics were jailed on charges of sedition. By the mid-1960s, some Kashmiris began to advocate other means to bring about political change, forming militant organizations, a number of which received arms and training from Pakistan.

Violence by these groups escalated after the 1987 state elections, which were widely believed to have been rigged by the ruling Congress (I) party.[4] The December 1989 kidnapping of Home Minister Mufti Mohammad Sayeed's daughter by a militant group provoked a massive crackdown by the central government. In the first weeks of 1990, government forces arrested hundreds of young men and opened fire on unarmed demonstrators, killing scores of civilians.

Since then, the central government has pursued a policy of repression in Kashmir that has resulted in massive human rights violations by the army and the security forces, including extrajudicial executions, disappearances, arbitrary arrest, prolonged detention without trial, and widespread torture. Government troops have also violated the laws of war which prohibit indiscriminate attacks on civilians, summary execution and the wanton destruction of civilian property. Militant groups have executed suspected police informers, and have threatened and murdered prominent Muslims and members of the minority Hindu community. Militants have also violated the laws of war prohibiting indiscriminate attacks on civilian targets.

The violent government crackdown in Kashmir prompted Asia Watch to send a delegation to the state in December 1990. The team traveled throughout the Kashmir valley and to New Delhi, interviewing doctors, lawyers, students, journalists, human rights activists and ordinary Kashmiris, including Hindu families who had left the valley. They gathered information about human rights abuses by both government forces and militant groups. Many of the people who provided information to us had clear sympathies with one side or the other in the conflict; some of these same informants provided information about abuses by forces on both sides. The strength of the eyewitness testimony and the consistency of the reports establish a pattern of gross and systematic human rights abuses. Following the mission, Asia Watch has sought responses from the government of India to a number of questions concerning human rights conditions in Kashmir. By the time this report went to print, no response had been received.[5] The findings of the Asia Watch mission are contained in this report, along with recommendations to the government of India and the militant groups operating in Kashmir.

Summary of conclusions

In the efforts to crush the militant separatist movement in Kashmir, Indian government forces have acted without regard for international human rights and have violated the laws of war protecting civilians in situations of armed conflict. Indian army soldiers and federal paramilitary troops of the Central Reserve Police Force and the Border Security Force have used lethal force against peaceful demonstrators, shooting scores of unarmed civilians. Following militant attacks, government forces have also engaged in the summary execution of suspected militants and reprisal killings of civilians. During such operations, the security forces have opened fire in crowded markets and residential areas. They have also conducted warrantless house-to-house searches, seizing young men and beating them, threatening and, in some cases, raping family members, and burning down entire neighborhoods. Security legislation has increased the likelihood of such abuses by authorizing the security forces to shoot to kill, and by protecting them from prosecution for human rights violations. Asia Watch's investigators directly gathered information on some 200 of the extrajudicial killings by government forces since the beginning of 1990. They also investigated many cases of assault, rape and torture. In a large number of cases, they obtained independent testimony from several eyewitnesses whose accounts corroborated each other.

The Indian government has not made public the number of persons who have been detained since the crackdown began in January 1990. Detainees are reported to be held in Jammu and in prisons elsewhere in India; however, large numbers have also been held in unacknowledged detention at army bases and federal police camps throughout the valley. In most cases, no grounds for arrest have been provided; many of those detained appear to have been arrested merely because they advocated independence, opposed the central government's policy in the state, or resided in neighborhoods in which the security forces came under militant attack and were therefore perceived to sympathize with the militants.

Family members frequently have not been informed of the whereabouts of detainees. The detainees themselves rarely have access to lawyers, and some have been denied medical care. Habeas corpus petitions have not provided a remedy for illegal detentions as the families of those detained often cannot identify the detaining authority or where the person may be detained, or are unfamiliar with the procedure. Members of the Jammu and Kashmir High Court Bar Association filed over 3,000 petitions in 1990 seek-

[1] In the winter months, when the roads become impassable, the capital shifts to Jammu.

[2] Muslims make up approximately 12 percent of India's estimated 850 million people. In Jammu and Kashmir, they make up roughly two-thirds of the population and predominate in the Kashmir valley.

[3] Bordering two nations with which India has had wars, Pakistan and China, Kashmir's strategic importance is obvious. Before the current crisis, it had been one of India's premier tourist attractions and a high-export agricultural state. Kashmir's symbolic significance reflects the fact that it was the birthplace of India's first prime minister, Jawaharlal Nehru. For Nehru, and for other nationalist leaders, the inclusion of a Muslim-majority state was an important symbol of Indian secularism.

[4] The Congress Party has governed India for most of the years since the country's independence in 1947. In 1977, the party was defeated in an election largely seen as a repudiation of Indira Gandhi's imposition of emergency rule in 1975–77. In 1978 the party split between those who remained loyal to Indira Gandhi and those who did not; the Gandhi faction renamed itself Congress (I), for Indira, who returned to power in 1980 and was assassinated in 1984. She was replaced as Prime Minister by her son, Rajiv Gandhi, who held that position until he was defeated by V.P. Singh's National Front in 1989.

[5] During this period, the government of Prime Minister Chandra Shekhar fell, which may have made it difficult for the government to respond to Asia Watch's inquiry.

ing information as to the whereabouts of detainees. None had been acted on as of late November 1990. Lawyers who have attempted to represent detainees have been harassed by the security forces.

Torture is widespread, particularly in the temporary detention centers. Methods of torture include electric shock, prolonged beatings, and sexual molestation. Torture is practiced apparently both to force detainees to reveal information about alleged militants and to impose summary punishment on detainees who are believed to support the separatist cause. Security legislation in effect in Jammu and Kashmir has suspended safeguards against torture, including the requirement that all detainees be seen by a judicial authority within 24 hours of arrest.[6] These laws also suspend prohibitions against the use of confessions that may have been obtained under duress and permit incommunicado detention; both provisions serve to increase the risk of torture.

The government has also harassed members of the press and has attempted to prevent information about conditions in the state from being reported by denying curfew passes, banning local Urdu newspapers, and, in one case, arresting and mistreating a prominent local reporter.[7] For several months at the beginning of 1990, foreign correspondents were denied access to Kashmir.[8]

To date, Asia Watch is unaware of any conviction of a member of the Indian army or the security forces for any human rights violations in Kashmir. In the rare cases in which investigations have taken place, the most severe punishments for abuses have been dismissals or suspensions from duty.[9] The Indian government may not have explicitly sanctioned the abuses that have taken place in Kashmir; it has, however, abdicated its responsibility to enforce the law, and has given the security forces free rein to engage in gross abuses in the name of fighting "terrorism." The Indian government's failure to account for these abuses and take action against those members of its forces responsible for murder, rape and torture amounts to a policy of condoning human rights violations by the security forces.

For their part, the militants have flagrantly violated international humanitarian law by killing, kidnapping and assaulting civilians. Asia Watch gathered direct testimony about many such attacks that have taken place since late 1989. Militant organizations have issued death threats and have assassinated members of the minority Hindu community[10] and Muslims who have not supported their separatist cause. In addition, militant groups have killed civil servants and have summarily executed suspected government informers. Militant forces have also thrown grenades, bombs and other explosive devices at buses, residences and government buildings, killing and wounding civilians.

A number of militant groups have also issued threats against and have attacked business owners and others they perceive as "un-Islamic." Some groups have also threatened reporters, in one case assassinating the director of the state television station. Newspaper offices have been attacked, and some militants have issued banning orders against newspapers published outside the valley.

[From the New York Times, May 9, 1991]

INDIAN FORCES IN KASHMIR FIRE ON REBEL MOURNERS

SRINAGAR, Kashmir, May 8.—Indian paramilitary forces fired on hundreds of mourners today as they carried four victims of police bullets for burial. At least 14 people were killed, raising the day's death toll to 47 in violence stemming from a Muslim insurgency for an independent Kashmir.

In separate fighting in Punjab State, Indian Army troops besieged Sikh rebels in a village after a battle between the militants and policemen left at least 11 people dead. It was the first confrontation between the regular army and Sikhs in seven years.

The bloodshed in Kashmir centered on Srinagar, the northern state's capital, where 29 people were reported killed. The authorities said that 18 more people died in other parts of the Kashmir Valley.

Paramilitary troops of the Central Reserve Police Force opened fire on about 3,000 people gathered at a cemetery to mourn four victims of an earlier police shooting. The troops left after firing for about 10 minutes.

The authorities asserted later that the troops had first been fired on by militants in the crowd, but no shots were heard before the troops began shooting.

Ten people were killed in the first fusillade, their bodies scattered along a street running next to the cemetery. The Press Trust of India said three people died of bullet wounds in the hospital.

Mourners ran screaming into narrow side lanes, leaving the street littered with shoes and sandals. The four coffins lay on the ground. When people returned to collect the bodies, another group of troops opened fire, killing a teen-age boy.

Fifteen people were killed earlier in the day, the police said. Witnesses said that seven were shot at home by enraged paramilitary troops searching for militants who had fired on them, and that four were passers-by hit by indiscriminate shooting during a police raid on a suspected rebel hideout.

More than 2,200 people have died since the Kashmir separatists took up arms in December 1989. Nearly two-thirds of the population in the Indian-controlled part of the state is Muslim.

In Punjab, 200 soliders and 600 other security troops surrounded the village of Rattol, about 25 miles south of the city of Amritsar, center of the Sikh separatist movement. The soldiers took over the fighting today after policemen and paramilitary troops failed to dislodge Sikhs firing from fortified houses and narrow lanes.

The battle began early Tuesday when the rebels ambushed police officers searching for two of their comrades who had been kidnapped the previous day, officials said.

A senior district official said seven, rebels, one soldier and five policemen had been killed in the first 36 hours of fighting.

The United News of India reported that 10 people were killed elsewhere in Punjab today in incidents related to the nine-year insurgency in the farming state, where Sikhs are a slight majority. About 1,500 people have died in fighting this year in Punjab.

The army's involvement in Rattol represented the first direct confrontation between the military and Sikh rebels since June 1984, when soldiers invaded the Golden Temple of Amritsar, the Sikhs' most sacred shrine, to dislodge armed militants.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,250th day that Terry Anderson has been held captive in Lebanon.

MANY THANKS TO NADINE HAMILTON

Mr. BURDICK. Mr. President, today I rise to recognize a staff member of the Senate Committee on Environment and Public Works who gave the Senate 10 years of invaluable guidance and wisdom on transportation issues. Nadine Hamilton is leaving the committee staff and I want to thank her for the time and energy she devoted to the committee and to surface transportation issues.

Nadine came to the committee as a Presidential management intern after completing her master's degree in urban planning and policy at the University of Illinois at Chicago. Her policy formation skills and keen understanding of the issues was recognized by then Chairman Stafford and she was asked to stay on the committee as a professional staff member upon completion of her internship. Nadine worked under Chairman Stafford for 5 years and then under my chairmanship when the leadership changed in the 100th Congress. Nadine's work for both parties proves her commitment and unbiased dedication to the issues. Nadine served the people with a unique sense of responsibility and urgency. Her desire to inform, help and educate the public did not go unnoticed.

Nadine will be sorely missed. The highway bill reauthorization in this Congress will be a tremendous challenge without her experience and input. I would like, Mr. President, for you and my colleagues in the Senate to join me in thanking Nadine for a job

[6] These safeguards are included in the Code of Criminal Procedure (Act XXIII of 1989 (A.D. 1933) of Jammu and Kashmir). Section 60 provides that "A police officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of the police station." Under Section 62, "officers in charge of police stations shall report to the District Magistrate . . . the cases of all persons arrested without warrant . . ." Section 61 provides that "No police officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under Section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court." India's Code of Criminal Procedure, which is not applicable to Kashmir, also provides for these safeguards.

[7] *See* pp. 72–74.

[8] Since May 1990, some foreign correspondents have reported on abuses by the security forces in Kashmir. Indian human rights groups have also published a number of reports documenting human rights violations in Kashmir.

[9] *See* pp. 13–14.

[10] These threats resulted in a mass exodus of Hindu residents from the valley in early 1990. The precise number of Hindus who left is not known; press reports indicate that the number ranged from 50,000 to 90,000. The government assisted, and may have encouraged the exodus, according to some accounts. The Hindu exodus has intensified concern about bringing about a reconciliation between the two religious communities when the conflict ends. For a further discussion, *see* pp. 98–99. In later months, many Muslim families also left the valley out of fear of violence by both government forces and the militants.

exceptionally well done and in wishing her Godspeed on her next endeavor.

INTERNATIONAL TRADE COMMISSION RESOLUTION COMMEMORATING THE DISTINGUISHED SERVICE OF SENATOR JOHN HEINZ

Mr. BENTSEN. Mr. President, on Tuesday, April 23, 1991, the U.S. International Trade Commission unanimously passed a resolution commemorating the distinguished service of Senator John Heinz. I hereby request that a copy of the resolution be printed in the CONGRESSIONAL RECORD.

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

RESOLUTION TO COMMEMORATE THE DISTINGUISHED SERVICE OF SENATOR JOHN HEINZ TO THE U.S. INTERNATIONAL TRADE COMMISSION AND THE WORLD TRADE COMMUNITY

Whereas the Commissioners and the staff of the U.S. International Trade Commission note, with deep regret, the death on April 4, 1991, of Senator John Heinz;

Whereas Senator John Heinz served a distinguished career in the House of Representatives for six years and in the Senate for 14 years, which included 12 years as a Member of the Senate Finance Committee and the Subcommittee on International Trade, the Senate oversight of the Commission's activities; and

Whereas during the course of his service on that Committee, Senator Heinz made major contributions to the Commission, including: Demonstrating with effort and thought a continuing and active interest in the laws that this agency administers and in their effective application; showing willingness to spend time at the sacrifice of competing demands to monitor and encourage this institution and listen to its concerns; and illustrating by example the finest tradition of public service performed with calm professionalism and complete competence: Now, therefore, be it

Resolved, That the Commission acknowledge with appreciation the distinguished service of Senator John Heinz to his colleagues, his constituents, and the Nation, that this resolution be incorporated into the minutes of the Commission, and that copies thereof be transmitted to Senator Heinz' family and to his staff.

EFFECTIVE OVERSIGHT AND CONTROL OF CLASSIFIED AND COMPARTMENTED SPENDING

Mr. BYRD. Mr. President, the annual appropriations bills passed by the Congress included very large sums to support those portions of the budget of the Department of Defense and the national foreign intelligence programs which are classified and not open to public debate. In addition to the vast sums that are made available, many of the activities that are funded are highly sensitive, and commit the Nation to activities and programs affecting the foreign relations of the United States as well as the Nation's defense industrial base.

Last year, the Appropriations and Armed Services Committees of both Chambers initiated a change in the way that that legislation was crafted in order to remove any doubt that the rule of law applies to the spending patterns in this area just as it does to the spending patterns in any other area of Government. The committees took the step of giving binding legal effect to the classified annexes associated with legislation approving the regular bills authorizing and directing the spending in our defense and intelligence programs. This critical change was long overdue because it is logical that the very large budget in the national intelligence and special defense areas involve many large and critical programs, some of which inevitably involve contention and controversy. In such contentious areas, only clear and binding statutory direction can settle and resolve the issues. Less authoritative direction, in the form of committee report language, in the past apparently sufficed to do the job, but has proved insufficient in recent years, in particular because of the increasingly cavalier attitude that the executive branch has taken toward committee reports accompanying congressional action during the 1980's.

The detailed rationale and historical reasons behind this action by the committees in the conference reports on the fiscal year 1991 Defense appropriations and authorizations measures are included at length in the committee report associated with the fiscal year 1991 Department of Defense appropriations bill.

The relevant section of the Defense appropriations conference report, which gives the classified annex the binding status of law, section 8081, is as follows:

The classified Annex prepared by the committee of conference to accompany the conference report * * * and transmitted to the President shall have the force and effect of law as if enacted into law.

This language, for which there is ample precedent, was specifically used to give binding legal effect to the classified annexes. Indeed, at the request of the staff of the National Security Council, we ensured that the classified annex was delivered to the White House simultaneously with the presentment of each bill in order to preclude any question as to the relationship of the classified annex to the bill.

I was, therefore, surprised by the following assertion in the signing statement on the bill:

The Congress has thus stated in the statute that the annex has not been enacted into law, but it nonetheless urges that the annex be treated as if it were law. I will certainly take into account the Congress' wishes in this regard, but will do so mindful of the fact that, according to the terms of the statute, the provisions of the annex are not law.

This statement is simply wrong. The Appropriations Act does not state that "the provisions of the annex are not law." On the contrary, it expressly states that the provisions of the classified annex "shall have the force and effect of law as if enacted into law." The phrase, "as if enacted into law" does not reflect any doubt as to the legal effect of the classified annex. It is a standard legislative provision that has frequently been used to incorporate by reference an item that is outside the literal text of the statute. Since 1981, this phrase has been used in at least 40 provisions of law to incorporate matter by reference. Most of these incorporations have been in appropriations acts, and have provided the sole authority for obligation of specified funds by the executive branch. Without such legislation, the obligation of such funds would have been in violation of the Anti-Deficiency Act, a criminal statute. I am confident that the executive branch personnel who permitted the expenditure of funds did not violate the Anti-Deficiency Act, and that they were justified in relying upon language which incorporated into law otherwise unenacted matter by use of the phrase "as if enacted into law."

Mr. President, the chairman of the Armed Services Committee, the distinguished Senator from Georgia [Mr. NUNN] and I, together with the other principals in fashioning this legislation in both bodies, Mr. INOUYE, the chairman of the Defense Subcommittee of Appropriations and his House counterpart, Mr. MURTHA from Pennsylvania, along with the chairman of the House Armed Services Committee, Mr. ASPIN from Wisconsin, have sent similar letters to the President noting our concerns about the language included in the signing statements on the fiscal year 1991 bills and indicating our trust that the President "will ensure that all executive branch personnel adhere to the legal requirements established by the classified annex." We want to work together with the President to make our Nation strong and effective as a world leader in advancing the principles and values that we believe in as a nation.

So long as we appropriate vast sums of money to conduct such activities, there will be an imperative to regulate, and to provide direction as to the proper usage for those funds. Any other course would amount to abdicating the most fundamental of responsibilities that we in the Congress have, namely, to see to it that the taxpayers' money is used in ways that meet the approval and concurrence of the Congress, and is consistent with the values and practices of the American system.

Mr. President, I include in the RECORD copies of the letters sent by the leaders of the Appropriations and Armed Services Committees of both Chambers to the President on this matter.

I also ask that an excerpt from Senate Report 101-521 be printed in the RECORD at this point.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, February 27, 1991.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to raise several concerns about the statement you issued on November 5, 1990 concerning the interpretation of the Department of Defense Appropriations Act, 1991.

The Act contains the following provision incorporating by reference a Classified Annex: "The Classified Annex prepared by the Committee of Conference to accompany the conference report * * * and transmitted to the President shall have the force and effect of law as if enacted into law."

This language, for which there is ample precedent, was specifically used to give binding legal effect to the Classified Annex. Indeed, at the request of your staff, we ensured that the Classified Annex was delivered to the White House simultaneously with the presentment of the bill in order to preclude any question as to the relationship of the Classified Annex to the bill.

We were, therefore, surprised by the following assertion in your signing statement on the bill: "The Congress has thus stated in the statute that the annex has not been enacted into law, but it nonetheless urges that the annex be treated as if it were law. I will certainly take into account the Congress' wishes in this regard, but will do so mindful of the fact that, according to the terms of the statute, the provisions of the annex are not law."

This statement is simply wrong. The Appropriation Act does not state that "the provisions of the annex are not law." On the contrary, it expressly states that the provisions of the Classified Annex "shall have the force and effect of law as if enacted into law." The phrase, "as if enacted into law" does not reflect any doubt as to the legal effect of the Classified Annex. It is a standard legislative provision that has frequently been used to incorporate by reference an item that is outside the literal text of the statute. Since 1981, this phrase has been used in at least 48 provisions of law to incorporate matter by reference. Most of these incorporations have been in appropriations acts, and have provided the sole authority for obligation of specified funds by the Executive Branch. Without such legislation, the obligation of such funds would have been in violation of the Anti-Deficiency Act, a criminal statute. We are confident that the Executive Branch personnel who permitted the expenditure of funds did not violate the Anti-Deficiency Act, and that they were justified in relying upon language which incorporated into law otherwise unenacted matter by use of the phrase "as if enacted into law." We trust that you will ensure that all Executive Branch personnel adhere to the legal requirements established by the Classified Annex.

We also wish to note our disagreement with another aspect of your signing statement which implies constitutional objections to certain other (but unspecified) provisions of this bill. For example, your signing statement suggests that other provisions of the bill could be "construed" to interfere with what you describe as your "authority to conduct U.S. foreign policy, including negotiations with other countries." This bill was carefully drafted with due regard for the respective powers of the Congress and the President. We do not agree with your suggestion that any of its provisions should be regarded as "precatory rather than mandatory."

We appreciate your statement that the Appropriations Act "provides resources that will permit us to maintain a strong national defense." We believe that the bill provides the basis for improved cooperation between the President and Congress in the interests of national defense, and we urge you to ensure that all provisions of the bill are implemented in a manner that furthers that important objective.

Sincerely,

Robert C. Byrd, Chairman, Senate Committee on Appropriations; Daniel K. Inouye, Chairman, Subcommittee on Defense of the Senate Committee on Appropriations; John P. Murtha, Chairman, Subcommittee on Defense of the House Committee on Appropriations.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 27, 1991.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to raise several concerns about the statement you issued on November 5, 1990 concerning the interpretation of the National Defense Authorization Act for Fiscal Year 1991. We understand that a similar letter is being sent by the Senate and House Appropriations Committees.

Section 1409 contains the following provision incorporating by reference a Classified Annex: "The Classified Annex prepared by the Committee of Conference to accompany the conference report . . . and transmitted to the President shall have the force and effect of law as if enacted into law."

This language, for which there is ample precedent, was specifically used to give binding legal effect to the Classified Annexes. Indeed, at the request of your staff, we ensured that the Classified Annex was delivered to the White House simultaneously with the presentment of each bill in order to preclude any question as to the relationship of the Classified Annex to the bill.

We were, therefore, surprised by the following assertion in your signing statements on the bill: "The Congress has thus stated in the statute that the annex has not been enacted into law, but it nonetheless urges that the annex be treated as if it were law. I will certainly take into account the Congress' wishes in this regard, but will do so mindful of the fact that, according to the terms of the statute, the provisions of the annex are not law."

This statement is inconsistent with the legislation. Neither the Authorization Act nor the Appropriation Act contains a statement that "the provisions of the annex are not law." On the contrary, both expressly state that the provisions of the Classified Annex "shall have the force and effect of law as if enacted into law." The phrase, "as if enacted into law" does not reflect any doubt as to the legal effect of the Classified Annex. It is a standard legislative provision that has frequently been used to incorporate by reference an item that is outside the literal text of the statute. Since 1981, this phrase has been used in at least 48 provisions of law to incorporate matter by reference. Most of these incorporations have been in appropriations acts, and have provided the sole authority for obligation of specified funds by the Executive Branch. Without such legislation, the obligation of such funds would have been in violation of the Anti-Deficiency Act, a criminal statute. We are confident that the Executive Branch personnel who permitted the expenditure of funds did not violate the Anti-Deficiency Act, and that they were justified in relying upon language which incorporated into law otherwise unenacted matter by use of the phrase "as if enacted into law." We trust that you will ensure that all Executive Branch personnel adhere to the legal requirements established by the Classified Annex.

We also wish to note our disagreement with other aspects of your signing statements which imply constitutional objections to certain other aspects of this legislation. For example, your signing statements suggest that other provisions of the bills could be construed to interfere with what you describe as your "authority to deploy military personnel as necessary to fulfill my constitutional responsibilities," "to deploy the Armed Forces as I see fit," "to protect sensitive national security information," "to interpret treaties," and "to conduct U.S. foreign policy, including negotiations with other countries." These provisions were drafted with due regard for the respective powers of the Congress and the President. We do not agree with your suggestion that several of these provisions should be regarded as "precatory rather than mandatory." You suggest, for example, that the European troop strength limitations in section 406 of the Authorization Act are not binding. We would point out that similar provisions have been in effect since 1985, and have been adhered to by the Executive Branch during that entire period of time. We trust that you will ensure that these laws are faithfully executed.

You have also stated your "understanding that the Congress did not intend that the obligation of funds for ground-based interceptors and sensor [sic] identified in the conference report on H.R. 4739 be dependent on a determination at this time that these systems are deployable under the ABM Treaty." This statement does not accurately reflect Congressional intent. The conference report (House Report 101-923, at p. 556), specifically states: "The Conferees further agree that ground-based interceptors, such as GBI-X and E21, and ground-based sensors, such as GSTS, may be funded within the limited protection systems program element." Under section 221 of the Act, the "limited protection systems program element" includes "programs, projects, and activities which have as a primary objective the development of *systems and components which, if deployed as a limited defense, would not be in violation of the 1972 ABM Treaty.*" (Emphasis added). Accordingly, by specifically referring to the "limited protection systems element," we clearly reflected our understanding that these systems would not, if deployed, be in violation of the 1972 ABM Treaty.

We appreciate your statement that the Authorization Act "will provide for a strong national defense." We believe that this legislation provides the basis for improved cooperation between the President and Congress in the interests of national defense, and we urge you to ensure that all provisions of the legislation are implemented in a manner that furthers that important objective.

Sincerely,

SAM NUNN,

Chairman, Senate Committee on Armed Services.

LES ASPIN,

Chairman, House Committee on Armed Services.

S. REPORT 101-521 (PP. 265-6), DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1991

In the past, the Committee prepared a classified annex which was intended to provide binding direction on the activities of the executive branches for all these programs, as well as prescribing specific dollar amounts for them. Legally, the text of the classified annex was not incorporated into the underlying act, but the practice of the executive branch was to comply with the directives and recommendations of the annex. However, recently, and particularly in the last year, the executive branch has taken the position that the classified annex is simply a report like any other report issued by the committees of the Congress to accompany legislation enacted by the Congress, rather than law, and that such reports are merely advisory in nature. Consequently, a number of very important decisions incorporated in the classified annex to the Department of Defense Appropriations Act for Fiscal Year 1990 were either ignored or challenged by both the Secretary of Defense and the Director of Central Intelligence on the grounds that they were not legally bound to comply with them. In fact, compliance with a number of the most important provisions of the classified annex was partial, came very late in the year, and only after long delays and confrontations between all three of the oversight committees and the executive branch.

The central problem in this situation is that due to the classified nature of the activities being appropriated and directed, there has simply not been any legislation that the classified annex accompanied. For reasons of national security, the funding is concealed in general DOD accounts in the underlying DOD appropriation measure, and contains no effective guidance for the departments and agencies concerned. The only vehicle available has been the classified annex itself, which the Congress intended to be binding and which the executive branch chose to regard as a standard committee report which it could comply with or ignore as it saw fit. The Committee cannot accept any further uncertainty over the binding effect of its decisions affecting such large sums of money and activities so vital and, in some cases, controversial. Thus, it believes that it has no choice but to incorporate the provisions of the classified annex into the statutory language, thereby making the annex law, and to explain its decisions in the legislation through a separate classified report accompanying the legislation. To allow the practice of the executive branch to continue would, in effect, be assenting to a de facto line-item veto authority on the part of the executive branch over the entirety of the intelligence programs and special access programs engaged in by the United States, a sweeping abdication of authority of the Congress in areas which are central and critical to the national security of the United States. The Committee can no longer accept the consequences of the executive branch's practice in this area and has taken the necessary step in the context of this legislation to remove any ambiguity as to the legally binding nature of the provisions of the classified annex.

While the classified annex cannot be debated in open session, it will be deemed to be passed concurrently and as an integral part of the unclassified Defense Appropriations Act and will be presented together with the unclassified portion of the bill to the President. They will be enacted, vetoed, or fail of enactment as one piece of legislation.

The Committee has prepared a classified report to clarify the meaning of the provisions of the bill and to provide additional guidance which the Committee expects the executive branch to regard as authoritative and to be followed in good faith as it should in respect to congressional reports accompanying all legislation.

Mr. NUNN. Mr. President, I want to congratulate the distinguished chairman of the Appropriations Committee on his thoughtful remarks on the need for effective oversight and control of classified and compartmented spending. As he notes in his remarks, Congress has authorized and appropriated very large sums of money for use by the Department of Defense and the National Foreign Intelligence programs for highly sensitive programs and activities.

These funds are made available through the classified annexes which accompany the authorization and appropriation bills for the Department of Defense. These annexes have provided the executive branch with ample authority to effectively manage these vital programs. Many of these programs have yielded enormous benefits to our national defense. Some, like the stealth technology which proved so valuable in the Persian Gulf conflict, have become well known to the public. Other equally effective programs and activities, must remain classified for reasons of national security. Not every classified or compartmented program, however, is a success. Oversight of such programs, both within the Department of Defense, and from the Congress, is crucial to ensuring that such funds are spent effectively and wisely. The well-publicized problems of the terminated A-12 aircraft, for example, include the Department's own self-criticism about deficiencies in monitoring cost growth as a result of limitations imposed by the special access nature of the program.

The classified annexes provide an essential element of the oversight necessary for such programs. As Senator BYRD has noted, we worked carefully with the White House to ensure that the classified annexes accompanied the authorization and appropriation bills that were presented to the President for his signature in order to remove any question as to the relationship of the annexes to the legislation. The President, in his signing statements, suggested that Congress did not intend for the annexes to have the force and effect of law. As Senator BYRD has demonstrated, this is not an accurate reflection of congressional intent, and it is not an accurate statement of the law.

In our letter to the President, we noted our appreciation for the President's statement that the Authorization Act "will provide for a strong national defense." We also emphasized our belief that the bill "provides the basis for improved cooperation between the President and Congress in the interests of national defense." I remain confident that we can continue to work with the executive branch in support of classified and compartmented programs, through the classified annex, in a manner that will enhance our mutual interest in strengthening the common defense.

Mr. INOUYE. Mr. President, I wish to commend the distinguished chairman of the Appropriations Committee, Senator BYRD, for his initiative and leadership concerning the proper regime of oversight over our extensive Intelligence and Special Access programs budgets. This is matter on which we have been working closely together over the last couple of years, and have been evolving a better and more appropriate oversight mechanism.

It has not been very many years since we first attempted to regularize and responsibly oversee and control the budgets and activities that we must, as a nation, engage in under the cover of secrecy and security. These matters, involving the influence, commitments, sometimes the prestige of the United States, and certainly our basic system of security to keep Americans safe from hostile forces are of central importance. America is the last truly world superpower, and to effectively conduct our affairs we must cloak in secrecy vast sums of money and many, many activities, shielding them from the prying eyes of our adversaries. In this process, however, we pay a price, foreclosing debate and wide investigation and analysis even within the body of the Senate. Under such circumstances, the responsibility of the Intelligence and Armed Services Committees and the Defense Subcommittee on Appropriations, which I chair, is heavy. We have to be doubly vigilant and thorough to ensure that the money is spent wisely, with our approval, and that the guidance and directives that we include in our classified products, both in the form of reports and statutory provisions, are clear and are implemented accordingly.

The checks and balances between our branches of Government over policy and spending does not cease simply because those activities happen to be classified. In this situation, however, the Congress is denied its role of reaching decisions on central and contentious issues after open and broad participation in debate. Furthermore, it is more difficult to ensure compliance with the spirit and letter of the law as written when there is no recourse to an open forum. We now have in place an Intelligence Committee, created in

1974, to oversee the National Foreign Intelligence Program, a successful effort in which I was privileged to serve as the first chairman of that committee. Furthermore, since 1988, a new process, being expanded this year, has been in place to oversee the extensive activities of the Department of Defense in special research, procurement, tactical intelligence, and operational programs. Even with this structure in place, as we all learned to our dismay in the context of the Iran-Contra scandal, compliance with the law can be frustrated when the policy disagreements are severe.

I think, on balance we are making good progress toward the establishment of sound and accepted procedures for addressing this problem. I look forward to continuing this effort with the distinguished chairman of the committee, as well as the distinguished chairman of the Armed Services Committee, Senator NUNN, and our Republican counterparts during the current session of the 102d Congress.

EXPLANATION OF ABSENCE

Mr. DOLE. Mr. President, as many Senators know, our colleague, Senator DANFORTH, will be necessarily absent from the Senate in the next few days because of the death of Sally Danforth's father, Mr. Duncan C. Dobson.

The loss of a parent is a difficult matter, and I know that each of us extends our sympathy to Sally Danforth and to other members of the family.

CONCLUSION OF MORNING BUSINESS

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

CENTRAL AMERICAN DEMOCRACY AND DEVELOPMENT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 100, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 100) to set forth United States policy toward Central America and to assist the economic recovery and development of that region.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, as an original cosponsor, it is with great pleasure that I speak in support of S. 100, Senator SANFORD's bill to support Central America's program for economic recovery and development. This bill has strong bipartisan support and has the support of the administration. On April 18, the Committee on Foreign Relations favorably reported the bill by a vote of 18–0.

S. 100 recognizes the efforts made by the Central American governments to coordinate economic recovery and development programs after a decade of civil strife and severe economic disruption. It will serve as an important companion to the process begun by the Central American nations in developing plans for peace and democracy as embodied in the products of the important Central American summit meetings such as Esquipulas II, Tesoro Beach, Tela, San Isidro, Montelimar, and Antigua. The bill, in recognition of the linkage between democracy and development, expresses support for Central American efforts to strengthen democratic institutions and expand economic opportunity for all citizens of the region.

In doing such, the bill supports the recommendations of the International Commission for Central American Recovery and Development, the illustrious group of Central America's leading economic authorities, that was initiated by the Senator and which, although he tries to discourage the use of his name, is known throughout Central America as the "Sanford Commission." The report of the Commission is a Central American statement of the ways to approach sustained economic development. Most importantly, it calls for involvement in this effort, not only by the United States, but by the nations of Europe, the Nordic countries, Canada, and Japan.

I should note that many of the recommendations of the Sanford Commission are being implemented by the respective governments of the region as well as in regional fora.

Support of this process is vitally important and passage of S. 100 would place U.S. policy in Central America squarely behind it. I urge my colleagues to give resounding approval to this initiative.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SANFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. President, I am very pleased to have S. 100 before the full Senate for consideration today. This statement of U.S. policy toward Central America is the result of great cooperation, analysis and coordination by a remarkably diverse group of individuals and organizations. Central Americans themselves, together with a bipartisan group of international experts spanning a wide range of sectors have all been vital to the development of S. 100. All five current Central American presidents, their predecessors and Ambassadors have been involved. The State Department and the Agency for International Development have also been cooperative partners in the formation of this legislation, and now endorse S. 100.

The 33 cosponsors of S. 100 include a litany of distinguished Senators such as the majority leader, the chairman and 12 members of the Foreign Relations Committee, the chairman and ranking member of the Subcommittee on the Western Hemisphere, the chairman and ranking minority member of the Foreign Operations Subcommittee, the chairman and ranking minority member of the Budget Committee and the chairman and cochair of the Senate Central American Observer Group. This is a broad-based, bipartisan group of Senators who have demonstrated an ongoing interest and proficiency in Central American affairs.

The background and history of this legislation is well-known to many of my colleagues and worth revisiting.

In December 1987, in an attempt to devise sustainable development approaches for Central America, the International Commission for the Recovery and Development of Central America [ICCARD] was formed, consisting of 47 individuals representing 20 countries in Latin America, North America, Europe, and Asia.

As working group sessions addressed different aspects of development, the Commission operated with two fundamental premises. First, the nations of Central America must cooperate to resolve their social, political and economic problems. Second, the Esquipulas accords correctly identified the root causes of the persistent conflicts in Central America. As my colleagues are aware, the Esquipulas accords broke new ground in the peace process in Central America by setting a high, yet reachable goal of regional cooperation.

This unique collaboration of governmental, business, labor, and academic leaders was unified by the hope for peace and stability in our hemisphere. To find quick-fix solutions was not the goal, but rather, the Commission identified long-term strategies that could endure minor setbacks while moving toward realistic development.

The Commission's final report, issued in February 1989, recommended a combination of meeting immediate needs, enacting medium term reforms and projecting long-term goals of infrastructure and investment incentives. Among its recommendations is the responsible strengthening of the private sector in the Central American economies.

While this is not a blueprint for Central American development, it certainly is a guidepost at this critical turning point.

In June 1990, the Central American Presidents held a historic summit in Antigua, Guatemala. Reaffirming the Esquipulas accords the five Presidents agreed to work more closely together to protect human rights, coordinate

economic policies, and ameliorate the social effects of economic adjustments. In the final declaration of the Antigua summit, all five Central American Presidents endorsed the recommendations of ICCARD, which are embodied in S. 100.

On June 27, 1990, President Bush introduced the Enterprise for the Americas Initiative to address trade, investment, and debt in our hemisphere. The ICCARD report also placed a priority on the alleviation of the debt burden, emphasized the need for increased foreign investment in Central America, and advocated the expansion of Caribbean Basin Initiative type trade incentives. S. 100 endorses the goals of the administration's Enterprise for the Americas as well as the Partnership for Peace and Democracy, which recently held its first meeting in Costa Rica.

I welcome the President's invitation to the G-24 nations to become partners in the development effort of Central America. It is necessary to have multinational resources. Multinational resources have an important role to play in recovery. S. 100 is not a plea for additional foreign aid from the United States, but a commitment by the United States to use our influence and support in ways that are beneficial to both parties in the economic development and stability to our hemisphere.

The report also recommended the formation of a coordinating mechanism, called the CADCC, consisting of Central American countries, donor countries, and multinational organizations to foster compliance with regional economic policy, minimize gaps in linked development programs, and encourage the most effective use of foreign assistance. The Central American Development Coordinating Commission [CADCC], has now been put into place at the request of the Central American Presidents. As a forum for the implementation of the most effective development programs, the CADCC will be led by Central Americans with an emphasis on sustainable, humanitarian development. The 1990 foreign operations appropriations bill included funds to assist the implementation of the CADCC. Almost all of the countries have already appointed representatives to serve on the Coordinating Commission.

The Senate Foreign Relations Committee has been actively involved with this legislation during the 4 years since the Commission began its work. Three hearings have been held on this legislation. In May 1989, a hearing was held to recognize the release of the Commission report. The outstanding devotion of the commissioners was lauded and the report was acclaimed for its visionary economic recommendations. Subsequent to the hearing, the committee included a number of provisions of the 1990 foreign aid authorization bill, designed to begin the implementation of the Commission's recommendations. On September 18, 1990, another hearing was held at the request of Senator HELMS at which the State Department and AID officials publicly expressed the administration's support for the provisions of S. 100. The committee unanimously voted to report that formally to the Senate. Due to the overwhelming amount of legislation pending before the Senate at the end of the session, the Senate did not take action on the bill prior to sine die adjournment.

Therefore, at the beginning of the 102d Congress, I reintroduced identical legislation, which is now designated as S. 100. The distinguished chairman of the House Foreign Affairs Committee, DANTE FASCELL, introduced companion legislation, H.R. 554. On April 18, 1991, the Senate Foreign Relations Committee again favorably reported the bill out by a rollcall vote of 18-0.

Mr. President, I remind my colleagues that this bill does not authorize any additional foreign assistance to Central America. Rather, it asserts that U.S. policy toward Central America will take advantage of opportunities to secure a stable and prosperous hemisphere.

Clearly, changes have occurred in the past couple of years around the world that challenge the mind of every analyst and student of international affairs and economics. The trend toward political pluralism across the globe has clearly made its mark in Central America as well.

For the first time, there are five freely elected presidents in Central America, with unifying values, complimentary goals, and a shared vision for development of the region as a whole. They recognize that as each individual nation works for its growth, interdependence as a region will foster sustainable political and economic benefits to Central America.

On February 25, 1990, the Nicaraguan people chose Violeta Chamorro as their new President. International monitors acclaimed the elections as the fulfillment of the Esquipulas and Tesoro Beach accords. President Chamorro has now set about the business of national reconciliation in her fragmented country. As demilitarization progresses, social justice pursued and political factions reconciled, the economic difficulties persist. What was once an obsession for the United States has slipped far down as a national priority eclipsed by events in the Middle East, Eastern Europe, and the Soviet Union. I am convinced that this is further evidence of our need to work together for not only political development, but for economic growth here in our own hemisphere.

Additionally, the past 2 months have brought most encouraging developments in El Salvador. On May 4, 1991, the opening of the National Assembly demonstrated a remarkable and fundamental shift in political plurality in that country. This may be the best opportunity in 11 years to secure a cease-fire in the war that has claimed over 70,000 lives. I am encouraged by the constitutional reforms, and it is important that the United States play a supportive role.

I commend the administration for the obvious evolution of its policy in the wake of the events in Central America. I am encouraged by the extention of partnership to the nations of that region, and I encourage the Congress to commit itself to the same partnership.

As my colleagues know, the fragile democratic institutions in Central America are being challenged by prolonged economic decline, deep social and economic inequities, and a long history of conflict between military and civilian authorities. The greatest risk to the democratic advances that we are witnessing in Central America would be the gradual erosion of the new public confidence in elected governments if they are unable to address the fundamental issues of economic viability and prosperity. Central Americans want prosperity and peace. Our purposes and their purposes coincide and overlap. Their hopes and our needs are rooted in their sustainable economic development based on a foundation of political democracy in a climate of peace and justice. The role of the United States is, succinctly, to assist not to intervene, to encourage not to impose.

All the countries of the Americas, individually and in cooperation, must establish sustainable economic programs that will renew investment, improve productivity, alleviate the debt burden, and create employment to adjust the inequities that persist in that region. This is a historic opportunity for the United States to assist Central America as it confronts the poverty and turmoil that undermines our hemispheric stability and growth.

I wish to thank the hundreds of people who have so exhaustively worked to bring this initiative to the Senate floor, but there are a few outstanding individuals that deserve more recognition than I could give them here today.

The Commissioners of the International Commission for Central American Recovery and Development who distinguished themselves as the foremost compilation of experts in the field and who worked tirelessly to bring the Commission's work to fruition.

I also wish to thank the five Central American Presidents, their predecessors, and Ambassadors for their insight and cooperation.

So, finally, to my colleagues in the Senate, I hope that they will join me, the 33 cosponsors of S. 100, the State Department, AID, and the five Central

American Presidents and Ambassadors in support of this timely legislation as written, to help assure the solid future of Central America and the stability of our hemisphere.

Thank you, Mr. President. I yield the floor.

Mr. SANFORD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by William Green, a report by William Ascher, and a statement by William Ascher, all relative to S. 100.

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

STATEMENT BY WILLIAM GREEN

The fundamental idea behind the International Commission for Central American Recovery and Development originated in Central America.

For a decade, the region had been torn by violence. Given the area's historic affinity for military upheaval, violence was not especially strange to the twenty-six million inhabitants. But this time, there was a difference. This time the conflict was an outpost of the Cold War between great powers.

On one side, the Sandanistas were encouraged and supplied by Eastern bloc countries and Cuba. On the other, the Contras were the surrogates of the United States. The combatants were Nicaraguan but their fighting engaged the resources and the foreign policies of the five countries between Mexico and Panama. Indeed, even those two nations were heavily affected.

The devastation of pitched and guerilla battles and the distraction of political intrigue took their costly toll among economies that were already depleted by foreign debt and inadequate development. No end to the conflict was in sight.

Oscar Arias, then President of Costa Rica, saw no military resolution in the near term and, with the imagination that was later to win him the Nobel Prize for Peace, proposed that the Central American nations themselves develop a plan to end the war. "Give peace a chance," was his appeal to the United States Congress.

The suggestion was historic and dramatic. The Central American nations had for too long looked outside, primarily to the United States, for foreign policy strategies. The Arias plan essentially relied on the local governments to take their own initiative.

To Senator Terry Sanford of the Foreign Relations Committee the Arias plan was stirring, original and timely but for peace to succeed, there had to be follow-on economic planning. Peace, if it was to come about, required reinforcement by appropriate development.

Development, to be in touch with reality, had to be focused on the unique needs of the Central American region. Like the peace plan itself, economic strategy should be designated by Central Americans.

Senator Sanford visited President Arias and the presidents of the other four neighboring countries. He was encouraged by their response, and the Commission evolved.

Advice on Commission membership was sought from regional experts, foreign policy veterans, economic development councils, governments, and university campuses. There were two fundamental requirements: membership was to be dominated by Central Americans where talent and regional knowledge was richly available, and no member was to hold a position in a sitting government. The Commission was to have all possible autonomy so that its judgments and recommendations would have sound economic planning as their sole imperative.

To a large extent, the criteria for membership held up. Regional and other governments were consulted to verify the authority of potential members but they were not asked to nominate or confirm Commissioners.

Arthur Levitt, then Chairman of the American Stock Exchange, and Sonia Picado, Executive Director of the Inter-American Institute of Human Rights, agreed to co-chair the Commission. Both brought extraordinary, irreplaceable skills and dedication to an unprecedented effort. The United States had attempted a series of development plans for the region through the decades. Other countries had created plans of their own on a smaller scale, but none had relied as fully on distinguished Central American leadership.

For research and administrative support, Duke University's Public Policy Institute was enlisted. Its responsibility was complex and its performance was splendid.

Another fundamental concept was that no governmental funds were to be sought or accepted. Foundation support was another means of granting the Commission independence. Foundations responded generously. Grants were received from the Arca, Mary Reynolds Babcock, Ford, Carnegie, McArthur, and Rockefeller foundations.

The key to a successful economic plan was to link Central American realities with world-wide experience. Members of great distinction, experience and vision, were recruited from Europe, America and Asia. The commissioners represented a wide scope of fields: business leaders, university specialists, regional authorities, and experienced governmental executives. Each brought his or her own network of consultants.

The work was divided into six categories and a committee was assigned to each. A Central American chaired each committee. Committees met on their own schedules and plenary sessions were held in Washington, San Jose, and Stockholm.

After two years of meticulous research and consultation, the Commission's Report was published. It required no additional funding from international sources than was flowing into Central America at the time of its publication. The Report remains the strongest statement of regional needs, experience, aspirations, and cooperation. It is a blueprint that, if followed, could bring Central America into peaceful, prosperous and democratic participation with its fellow nations.

RECONCILING GROWTH AND EQUITY IN CENTRAL AMERICA: THE DEVELOPMENT MODEL OF THE INTERNATIONAL COMMISSION FOR CENTRAL AMERICA

(By Prof. William Ascher)

Central America may soon emerge from the wars and political chaos that have plagued the region for the past decade. If so, economic recovery and sustained, equitable development are critical requirements for any stable future. No matter whether the political instability and armed conflict is blamed on Communists, world capitalism or domestic injustice, the current economic stagnation and the precariousness of many segments of the Central American population present serious obstacles to regional peace and stability. It is fair to conclude that economic prosperity with equity for Central America is both beneficial in its own right and essential for peace. This is easier said than done. The requirements are recovery plus greater economic justice plus sustained development plus broader political participation. The absence of any one of these elements could easily trigger another round of civil wars and brutality.

Can these societies enjoy "growth with equity"—distributive justice and economic efficiency—on a sustained basis? Often, efficiency and equity are posed as opposites or trade-offs. This view rests on the assumption that the state interventions designed to help the poor (e.g., minimum wages, subsidized loans, make-work jobs) detract from an economy's capacity to respond efficiently to market forces. Similarly, it is often assumed that the wealthy can better afford to save, and that these savings go into productive investment. Finally, many people presume that resources devoted to helping the poor are being diverted away from building the nation's productive capacity.

The International Commission for Central America, with the technical support of our Center for International Development Research, has pondered these arguments, and has decided that for Central America, at least, they do not apply. Central America can have "growth with equity", though it will not be easy. The Commission has established a bold "development strategy that focuses on greater overall economic efficiency and revitalizing the most dynamic source of potential growth—Central America's exports—in order to finance the best long-term approach to making the poor more productive: human resource development.

Where do the assumptions underlying the growth vs. equity trade-off go awry? First, while it may be true that tinkering with the economy in order to subsidize the poor would detract from market efficiency, most of the distortions in Central American economies represent embedded privileges for the rich, not the poor. Therefore the movement toward greater efficiency—by dismantling the rules and programs that distort the economy in order to benefit the rich can redress inequality as well.

Second, although rich people may be more capable of saving and investing, they may very well not do so in their own domestic economies. Capital flight out of Central America is due not only to fear of instability, but also to the lack of attractive investment opportunities, which in turn rests on the small size of consumer markets where large segments of the population are too poor to purchase much beyond the bare necessities. In other words, in the long run the poverty of millions of Central Americans—currently forty per cent cannot even afford their basic food needs—is as much an impediment to growth as is the lack of investment capital.

Third, the idea that providing benefits for the poor detracts from economic productivity is a very short-sighted view. Development economics increasingly recognizes the importance of "human capital" as an essential component of economic growth. Healthier, better educated workers are more productive. Education and health are also correlated with lower birthrates and therefore could reduce the population pressures that hamper efforts to improve the well-being of each Central American. Therefore, if the benefits going to the poor come through improved education, medical care, nutrition, sanitation, family planning, housing and community services, then productive capacity can be improved rather than sacrificed for greater equity.

Nonetheless, an existing "motor of growth" must be triggered now for economic

recovery and development to get started. Poverty alleviation and greater economic justice are the destinations, but a path for arriving there must be found. Except in the most drastic revolutionary circumstances, redistribution does not occur without a growing economy.

Particularly for small economies, the best prospect for growth is in the promotion of exports, both the traditional exports like coffee, sugar and bananas and the non-traditional exports like flowers and light manufactured items. Of course, this requires that Central America's trading partners, including the United States, open their markets to Central American exports.

However, the export-promotion strategy has long been has criticized by the left as an inequitable approach to economic growth. If the wealthy economic groups that engage in the export activities are capable of capturing and retaining the lion's share of the export earnings, then why should such activities be promoted? Two points must be clarified. First, "export promotion" does not require subsidizing the groups engaged in export industries. Currently, export production in Central America is actively discouraged by economic policies. Exports are disadvantaged by specific taxes, currency exchange controls, and tariffs against goods from other countries. Thus once again the improvement in economic policy can be secured by removing existing distortions in the economy—which are not currently benefiting the poor. Second, the wealth coming from exportation can be channeled into human resource development without discouraging export production, as long as exportation is not taxed more heavily than other potential sources of income.

This leads to what may seem an obvious—but also ominous—point. To link the export promotion strategy with the human resource development strategy requires tax reform, so that at least a moderate amount of the surplus generated from revitalized activities (such as exportation and production for the domestic and regional markets) can be directed, via the governments, to the poor. With the partial exception of Costa Rica, the tax systems of Central America are woefully inadequate. On the one hand, too few people are subject to the existing income taxes; on the other hand, there is rampant evasion by high-income families and businesses. Efforts at tax reform have often provoked literally violent reactions.

The rechanneling of hard-earned profits from exportation and domestic recovery to human resource development must be deliberate and gradual. The economies must not be starved for investment or vulnerable to more capital flight. Tax reform, as essential as it is, must leave some incentives for businesses to invest. Redistribution during depressions or even fragile recoveries is politically and economically infeasible. For now, Central America's domestic policies will have to focus on tighter "targeting" of human-resource investments for the poor, and greater efficiency in providing these services, until stronger Central American economies can produce significant surpluses.

Clearly, this requires patience, a commodity in understandably short supply in Central America. Only the support of the international community can hasten the implementation of a human resource strategy. This can be done in several ways. First, foreign assistance can focus directly on providing the social services that promote human resource development, particularly for the more than one million refugees and internally displaced persons who will require repatriation or resettlement once peace is restored. Without such help, Central America will be in grave jeopardy of losing an entire generation to illiteracy and debilitating disease. The collapse of the health and education facilities, particularly in Nicaragua and El Salvador, is extremely alarming.

Second, the governments and international organizations that provide aid, loans, and trade concessions can condition these benefits on whether Central American governments adopt policy reforms to make their economic (and political systems) more equitable. To some, this may sound like economic imperialism. However, in signing the Esquipulas Pease Accords in 1987, the Central American presidents committed all five governments to the pursuit of peace, democracy and equitable development. Therefore, when the International Commission for Central America, with twenty of its forty-seven members from Central America, calls upon the international community to apply progress toward meeting these objectives as the criteria for such conditionally, it is reinforcing the values expressed by the Central Americans themselves, and holding the five governments to their own commitment.

Third, the international community must recognize that at least one component of the economic decline in Central America has been presence of extra-regional military forces and the emphasis on military instead of negotiated solutions. The volume of financial resources going into Central America currently is quite substantial—over $1.5 billion annually. The problem is that much of it is channeled into military efforts, and even the resources going into constructive pursuits are far less effective in countries where war or the fear of war hampers reconstruction. The international community should support Central America in finding its own solutions.

SUMMARY OF WORK OF ICCARD

(By Prof. William Ascher)

The International Commission for Central American Recovery and Development was formed in 1987 to draft a comprehensive plan for the economic and social development of the five Central American republics—Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. The premise was that in helping the Central American nations achieve their desire for equitable and sustained economic development, the Commission's plan would contribute to the process of democratization and peace. With forty-seven members from twenty countries in Latin America, North America, Europe and Japan, the Commission provided a forum for collaboration between Central Americans and the international community, whose assistance is a prerequisite for economic recovery and development. The political diversity of the Central American members of the Commission demonstrated the Commission's firmly-held belief that lasting development must rest on a stable social consensus. The independent status of the Commission—with now seated government officials from Central America or the United States—permitted the Commission to take strong positions on controversial political and economic issues.

The Commission, led by Costa Rican co-chair Sonia Picado (director of the Inter-American Institute of Human Rights) and Arthur Levitt Jr. (then chair of the American Stock Exchange), first met in San Jose, Costa Rica in December 1987. The Commissioners approved the formation of a Study Task Force, coordinated by Duke University's Center for International Development Research, to undertake numerous background studies of Central America's economic, political and social problems. The Commissioners themselves formed working committees to examine the challenges of formulating an immediate action plan for refugees and displaced persons; reforming Central American economic and social policies for sustainable, equitable development; fostering democracy; revitalizing regional integration on an efficient basis; and strengthening the contributions of the international community to Central America's recovery. These working committees, each headed by a Central American and a non-Central American, developed plans that were integrated into the Commission's Final Report that was unveiled in Guatemala City in February 1989.[1] Following this meeting, national-level commissions were established within the Central American republics, led by the Commissioners from each country. These national commissions have contributed to the reconciliation dialogues in El Salvador and Nicaragua.

The Commission's Report was endorsed by the Central American presidents at their summit meeting at Tesoro Beach, El Salvador in February 1989. The Commission Report and some of the background studies contributed to the formulation of the Central American presidents' Joint Economic Plan of Action for Central America, signed at the presidental summit meeting in Antigua, Guatemala in June 1990. The Commission's Report was also endorsed by the governments of the Federal Republic of Germany, Spain and Sweden. In the United States, the report has been a significant input into the formulation of the Central American program of the U.S. Agency for International Development. Several legislation initiatives based on the Commission's recommendation have also been launched.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas [Mr. BUMPERS].

Mr. BUMPERS. Mr. President, what is the preliminary situation?

The PRESIDING OFFICER. The Senate is considering S. 100.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to proceed for 10 minutes on an unrelated subject.

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

THIRD WORLD ARMS SALES

Mr. BUMPERS. Mr. President, I was not familiar before this morning, and I am still not totally familiar, with the proposal on which Senator BIDEN and Senator KASSEBAUM spoke and they are introducing today dealing with Third World arms sales. But it is a subject on which I have spent a great deal of my Senate career.

I have never understood this Nation's policy of arms transfers to just every Tom, Dick, and Harry who happens to

[1] The Commission's Report and the background studies were published by Duke University Press (*Poverty, Conflict and Hope: A Turning Point in Central America* and *Central American Recovery and Development*). They are available from Duke University Press, 6697 College Station, Durham, NC 27708.

be willing to starve his people to buy them. There are Third World nations that spend two-thirds of their total income on weapons, nations where people are starving, and in most instances those nations have virtually no ability to defend themselves anyway.

I remember being in Iran the first or second year I came to the Senate, 1975–76, in that timeframe, and the Iranian Army generals happily showing off all these air bases. At that time they had already bought something like 75 F–14's, still one of our most sophisticated fighter planes.

In 1972, or thereabouts, Richard Nixon, told the Shah of Iran, whom he considered to be our benefactor in that area and the protector of our interests in the area, and whom we considered to be a steady and reliable ally if push came to shove—he had apparently just opened the books to the Shah and said, "Take what you want."

The Shah of Iran, rather rich in oil riches at that time, said, "I want it all, and I'll start with the F–14's." Nobody ever dreamed that a few short years later the Shah would not be around anymore, and he would be replaced in a revolution, religious in nature, which considered the United States to be Satan incarnate. So here is Iran, that we thought was going to be our ally in the area, instead being an archenemy, which they essentially remain until this day.

Iraq, our latest Satan: We did not sell Iraq an awful lot of weapons, but we gave them, obviously, a lot of intelligence during the Iraqi-Iranian war. We sold them something like $1.5 billion in technology advice and assistance. And other nations had been supplying them chemical weapons.

I understood that the Germans, who had been kind enough to equip Qadhafi with a chemical weapons complex, had also assisted in the building of Saddam's chemical weapons complexes.

The Italians had accommodated him with mines, as had other nations. The French had provided him with their very best Mirage fighter planes. Actually, of the 750 airplanes Saddam had, virtually all of them were Mig's bought from the Soviet Union, except 75 firstline Mirage fighters.

The Chinese, to whom we extend most-favored-nation treatment, despite their obvious abuses of human rights, their abuses of their people, had supplied Saddam with the Silkworm missile, a cruise missile.

I do not know what other countries had supplied him with weapons. Obviously, most of his arsenal came from the Soviet Union. But other countries were right in there pitching away. Then Kuwait, our friend, we had sold Kuwait 300 Hawk antiaircraft missiles, among the most sophisticated antiaircraft weapons in the world. So what do you think the first thing Saddam lays his hands on when he invades Kuwait? You guessed it—300 good old U.S.A.-made Hawk missiles and the radars to go with them. And what happens? We also sold a large number of Hawk missiles to our very good friend, King Hussein of Jordan, another steady, reliable ally in the region, whom we always assumed would be on our side when push came to shove. So what happened? When Saddam captured our 300 Hawk missiles and their radars in Kuwait, he did not know what to do with them; so King Hussein, our steady ally in the region, rushes his crews from his Hawk batteries to Iraq to try to teach Saddam's air force how to use the Hawk missile.

Mr. President, I must confess that I do not know what happened to those 300 Hawk missiles. My guess is that they are still firmly hidden and in Saddam's hands. Last December, I went to the United Nations—I must confess I had never spent any time there, but I had always been interested with it—and I spent all day there. It was a very healthy experience. There were about three Senators there, and we had lunch with the five Ambassadors of the five permanent Security Council members: China, the Soviet Union, France, Britain, and the United States.

The only contribution I made during the discussion at lunch was to say to them that when the war was over—and it looked at that time for all the world that we certainly were going to war with Iraq—the greatest contribution you and the other people of the United Nations can make is to convene all of the arms-exporting nations and talk about reaching some sort of a treaty to limit and, hopefully, stop this unbelievable transfer of arms all over the world.

There are people in this body, principally the Senator from Ohio [Mr. GLENN], who have tried for years to stop selling enriched uranium to Pakistan, because everybody knew Pakistan was engaged in building nuclear weapons. And now the Chinese are compounding that problem by selling Pakistan ballistic missiles. Anybody that does not think—considering the hostilities between India and Pakistan—that that is not a prescription for disaster is just not being thoughtful about it.

Then Czechoslovakia, who has been a big arms exporter in the past under Communist regimes, and our new hero, Vaclav Havel, comes in and says, unless somebody gives us some assistance, we are going to have to continue selling—I guess it is tanks and planes; I think tanks—to some of these countries in the Middle East. We do not want to do it, but we have 80,000 people engaged in our defense industry in Slovakia, which is one of the two provinces in Czechoslovakia.

Well, Mr. President, this Nation is suffering from a $371 billion deficit just this year. I might point out for the Members of this body who have not given it much thought—and this has a politically partisan bent to it—that the $371 billion deficit this country will sustain this year is over twice as much as the entire 4-year deficit of Jimmy Carter while he was President. And nobody seems to really care much about it. I do not want to get off on the deficits, but the point is, we are not in a position to help Vaclav Havel employ 80,000 people that he would have to fire, if they refused to honor the contracts, or if they refused to honor the contracts, or if they stopped exporting weapons. Czechoslovakia has been a notorious exporter of these weapons.

Mr. President, I do not have a lot more to say about this, except I applaud what I am afraid is something of a modest effort on the part of Senators BIDEN and KASSEBAUM. I think I am going to cosponsor that. I want to study it and look at their statements carefully. But I am telling this body that, in my opinion, the times call for Draconian action on arms sales. Why on Earth would we be selling Bahrain Stinger missiles? If Saddam, in addition to Kuwait, for example, had decided to take on Bahrain's 750,000 people, you tell me who they are going to defend themselves against. For that matter, tell me who Kuwait is going to defend themselves against. These countries, such as Bahrain and Kuwait, do not have a prayer; they do not have a prayer against Saudi Arabia, Egypt, Syria, or even against Jordan. But we sold Stinger missiles to Bahrain, and if Saddam had invaded Bahrain, he would have inherited that very sophisticated shoulder-fired, antiaircraft missile that we sold them, and there would be a lot more American flyers dead today as a result.

Then the President wants to cap off this war in the Persian Gulf by selling the Saudis $20 billion worth of new, sophisticated American technology. I am not saying that the Saudis have not been stalwarts in this; they have. They owe us a debt of gratitude, and we owe them a debt of gratitude. But I am not going to be for any such sale as that to Saudi Arabia. I can tell you that right now. These arms sales oftentimes are nothing but ego kicks for tinhorn dictators. Almost invariably—and particularly considering the volatility of that region—we wind up just as we did in this war, with our own weapons being used against us. Our weapons always last longer than our friendships do.

There is China—and what is more, as I alluded to a moment ago, one of the grossest abusers of human rights on Earth—enjoying most-favored-nation treatment with the United States. We have not even accorded that to the Soviet Union, despite all the new democratic initiatives that have been taken in that country. And the Soviet Union

is still, to some extent, not nearly as bad as in the past, but still an abuser of human rights.

But China had sold Saddam the Silkworm. I do not know whether any were fired or not—maybe one or two. It is a pretty sophisticated weapon. When you consider the number of countries that are busily engaged right now doing their dead level best to develop a nuclear device and a nuclear capability, and you have countries like China selling the Silkworm to whoever wants it, it is just sheer madness.

The only reason I might not cosponsor the Biden-Kassebaum initiative is because it is not strong enough and does not go far enough.

Finally, Mr. President, I am always offended when somebody says think how many jobs this arms sale creates, No. 1, and No. 2, if we do not sell them, somebody else will and therefore we will not get the economic benefit. I have always had two thoughts about that. No. 1, let them; let somebody else sell them. First of all, we are the ones who generally have the best weapons, as has been demonstrated in the war, we have the military technology. We are insane to ask the American taxpayers to spend billions and billions of dollars of this technology and then turn right around and give it to every tinhorn dictator who has the money to buy it.

The second thought I have about that, Mr. President, is that if this President wants to go down in history I will give him a suggestion on how to do it. It is very simply to make a very dramatic and bold move in recognition of the times which call for boldness, and to convene all the arms manufacturing and exporting nations in the world and say, "We have to stop this madness."

Mr. President, I yield the floor.

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

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

CENTRAL AMERICAN DEMOCRACY AND DEVELOPMENT ACT

The Senate continued with the consideration of the bill.

Mr. ROBB. Mr. President, I am pleased to join my good friend and colleague from North Carolina in urging the Senate to endorse this statement of purpose about the economic future of Central America.

I share with my colleagues my commendation for my friend from North Carolina, who has led the charge to translate the accomplishments of the International Commission for Central American development and recovery in 1989 into effective legislation. I certainly commend him for his effort.

Mr. President, I do not believe anyone in this body would disagree with the contention that the countries of Central America have endured difficult political and economic times in the last decade. We can take heart, though, that essentially free and fair elections in Panama, Nicaragua, and just recently in El Salvador, indicate that we have turned the corner in Central America. Democracy is taking root and the United States has played a role in its foundation.

The United States can also play a role in promoting economic prosperity in the region. I think S. 100 is a good starting point to help shape U.S. policy in this regard. The legislation does not call for massive infusion, to develop assistance to the Central American nations. In fact, it will not cost the U.S. taxpayers a single penny. The bill simply links democracy and economic development and sketches a broad plan to allow the countries of the region to independently renew their moribund economies.

Additionally, the measure declares that U.S. policy should encourage multilateral aid initiatives to help foster the development of strong economic infrastructures in each country in Central America. It urges that we support the U.N. in its efforts to reintegrate displaced people and refugees, help create a more effective delivery system for food supplies, as well as establish health facilities for the poor and to promote general economic growth through the expansion of exports, and strengthening of investment opportunities.

Mr. President, I wish to emphasize the multilateral nature of this undertaking. Not only does the legislation rightly solicit assistance from Japan, the Western European nations, Canada and others, it outlines a plan donor nations can follow in order to gain the most effective return for the money they contribute.

Yesterday, I had the opportunity to discuss with the Ambassador from El Salvador and other Central American ambassadors, some of the difficult issues facing that small but troubled country and the region. El Salvador's problems are not all behind it by any means and the United States role from time to time admittedly has been controversial. Nonetheless, I told Ambassador Salaverria I have high hopes for the agreement that was reached in Mexico City between the Cristiani government and FMLN and that continuing the dialog with the rebels will lead to the permanent cease-fire we have been seeking for so long now.

Mr. President, section 3 of the legislation states that it should be "the policy of the United States to support and encourge dialog as the proper means of resolving armed conflicts in Central America."

Opening the lines of communication, whether it be between the Cristiani government and the rebels, or President Chamorro and the Sandinistas, or President Endara and the remaining loyalists to Noriega, is not simply the best policy, it is the right policy.

Mr. President, if I may quote you, in your capacity as the Senator from North Carolina just a few moments ago, in Central America the role of the United States is succinctly to assist, not to intervene; to encourage, not to impose.

This legislation accomplishes this and I certainly hope that other Members of the Senate will agree.

Mr. President, I thank you for giving me an opportunity to take the floor and relieving me of the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise to support S. 100, the Central American Democracy and Development Act. I do so very enthusiastically. This bill is a blueprint for peace and stability in a region historically rocked by violence, instability and poverty.

S. 100 mandates no new appropriations and will not cost the American taxpayer additional money. This legislation does, however, articulate a long-term policy and set goals for the United States that, if implemented, can help revitalize a region that is geographically very close to our borders and very important to our interests.

(Mr. ROBB assumed the chair.)

Mr. LUGAR. The bill is supported by the Bush administration, by all five Central American Presidents and cosponsored by fully one-third of the Senate, a strong bipartisan backing. The intellectual origins of the bill come from more than 2 years of deliberation by the International Commission on Central American Recovery and Development. This commission was composed of Central Americans in partnership with individuals from strongly supporting countries, having as their goal the development of a policy framework that can help move the region out of poverty and into sustainable development and democracy.

The commission's work builds upon the belief that cooperation among the Central American countries is needed to address the region's overlapping social, political, economic and security problems. It endorses the view of the Central American Presidents at Esquipulas that positive changes are only possible if peace, stability, economic growth, and cooperation exist in the region.

Now, we are at the stage where the products of this thinking can be included in the policy direction of the

United States. It is a worthy set of goals and objectives that our country should endorse and support.

Mr. President, we have a tendency in the United States to jump from one crisis to another, to leap from one flash point to another, and to quickly shift our priorities as one issue recedes in the face of another. Perhaps, that is the burden of a powerful country with many interests. But it need not be that way. For at least the last decade, we have been deeply involved in Central America and the Caribbean in efforts to fend off one disaster after another. We need to stay engaged with our friends in the region to help finish the job of reconciliation, economic growth, and democratization.

Some of these regional disasters were from natural causes: earthquakes, hurricanes, floods and others, but most were manmade. Political instability, internal wars, chronic poverty, poor infrastructure, maldistribution of resources, restrictive import, investment and tax policies, authoritarian governments and nondemocratic institutions each dotted the landscape of Central America, and each exacted a high toll with harsh results from the peoples of the region.

Fortunately, most of the region's problems are beginning a slow but steady process of improvement. Now is the time to focus on the hard work of building free and prosperous countries. Now, is not the time to turn our back on the region. Now is the time to pay attention to the region. We ought not squander the unique opportunity to build upon the end of regional conflicts and the shift toward democracy and market economics.

Each country in the region has a democratically elected government with broadened legitimacy. With the exception of El Salvador, there is peace in the region and there is renewed hope that a peace settlement is now possible in El Salvador. Economic reforms are underway. The private sector is expanding and must be strengthened if the economies can move forward. There are human rights abuses—far too many—but that situation is also improving. Civilian institutions must be strengthened and become more democratic and responsive to popular needs.

Economic growth, for the first time, has some reasonable basis of continuing. Each of the political, economic, social and security changes are slowly evolving but are still embryonic. They will not continue to improve unless the economies of the region grow. Democracy will not have a chance to mature in many countries unless economies expand and, unless the economies expand, democracy will have much less chance to sink its benign roots into the political culture of the region. In the absence of economic growth and democracy, the people of this region have little hope for a better life.

The region's stability is fragile. The positive political and economic changes occurring there are fragile and perishable. Our attention and caring should not be transitory and indifferent. Passing this bill with an overwhelming vote will mean that we care and that we have a continuing interest and stake in the region.

The philosophy in S. 100 contains elements similar to President Bush's Enterprise for the Americas Initiative which I support enthusiastically. Each bill embraces the need for more investments, more free trade, debt adjustment, and reform in Latin America. This legislation calls upon other countries to join in a multilateral initiative to provide additional resources for development. It requires reform of the economic and political systems to help make the investment, trade and debt provisions possible and effective.

Mr. President, this is far sighted and worthy legislation with worthy objectives based upon strong rationale. I hope that members of the Senate will give it their strong support.

I thank the Chair.

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

The PRESIDING OFFICER (Mr. KERRY). The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. SANFORD assumed the chair.)

Mr. KERRY. 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. KERRY. Mr. President, I thank the distinguished chair for being willing to take my place in the chair for a few moments so that I might have the opportunity to speak on S. 100. I thank him for that opportunity.

But, more important, I thank the distinguished Senator from North Carolina for his work in this area which, ever since he has come to the Senate, has been a work of deep-rooted concern, compassion, and I think, most importantly, is representative of a singular understanding of the needs of the region and of the importance of the United States taking a different approach to that region.

As the distinguished Senator from North Carolina recalls, and as we all in this Senate know too well, too much of the energy of the Senate in the last years was consumed by sometimes rancorous and often divisive debates over the issue of military involvement in the region.

Too much of our effort in that region, I think, has been spent teaching people how to kill each other rather than teaching people how to live with each other, and how to perhaps develop community and a society that has the opportunity to share in a lot of the assets and benefits of capitalism and of the North American continent.

The leadership of the distinguished chairman has been really most important in getting us to this point. This is an important piece of legislation. It gives us an opportunity to guarantee that the recommendations of the International Commission for Central American Recovery and Development, which the distinguished Senator fought so hard to elicit, are not going to go unheeded.

This particular piece of legislation has broad bipartisan support, representative of the effort that has gone into it. There are 33 Members of this body who are now cosponsors of it. I am proud to be one of those. It is backed by the State Department. It is backed by AID. And most important, it has the solid support of all five Central American leaders.

Mr. President, we hear a great deal of talk these days about a new world order. I personally believe that the concept of a new world order is a welcome one, but I think it need a lot of fleshing out, a lot of definition that has not yet been given to it.

Frankly, I see S. 100 as a significant—although regional, nevertheless significant—attempt to put the United States on record as defining what a new world order might be, at least in Central America.

For over a decade, we have been consumed by the effort, as I mentioned earlier, to put guns and bullets, military advisers, and even surreptitious armed forces and secret supply systems in the region. All of this helped, I think, to create greater instability, certainly greater suffering, and very, very significantly, huge dislocation of the population of that region.

Taking advantage of the tremendous changes that have occurred in Central America over the last 2 years, this legislation places the focus of our policy where it ought to be: on building the social and economic foundation that is the absolute prerequisite to any kind of long-term stability in the region.

One of the most immediate needs is to begin dealing with the refugee and the displaced persons problems that have come about precisely as a result of the civil conflict and economic decline in the region, which have come about, partly as a consequence of our policies up until this point in time.

All we have to do is look at what has occurred in the wake of the Persian Gulf war to see the necessity of addressing this kind of concern. I think the bill of the distinguished Senator from North Carolina is correct to establish as a priority a policy that we will support, participate in, and contribute to the United Nations Development Program's plan for the reintegration of the displaced persons and refugee population, for the creation of employment opportunities for

those people, and for the establishment of a system that will ensure adequate food and health facilities for the poor.

This legislation also recognizes that long-term stability in the region will not be achieved without international economic support for the recovery and development that is so necessary. Particularly given the increasing interdependence among nations, it is in the interest of the United States and other developed countries to join in providing that kind of support.

This bill commits the United States to assist in implementing the recommendations of the International Commission on Central American Recovery and Development.

In addition, it states that the United States should continue to play a leading role in multilateral and regional forums, as well as economic summits, and that by doing so we will encourage and secure greater international support for economic assistance to the region. That makes sense, and it is long overdue.

On a bilateral level, S. 100 establishes President Bush's proposed Enterprise for the Americas initiative as U.S. policy. That is wise and sensible. That initiative can play a vital role in promoting economic growth through trade, through investment, and through debt relief.

Perhaps the most fundamental aspect of this legislation, though, is the recognition that solutions to the problems of Central America cannot be just picked up and plunked down by the United States. They cannot be decided upon or simply imposed by Europe, the United States, or other nations. They must come from inside the region itself.

For too long, other countries, particularly our own country, have tried to simply impose our will on Central America, with little regard for the wishes of the governments there. Sometimes that effort has, frankly, undertaken a kind of brutal approach.

I can remember when I was in Costa Rica, meeting with President Oscar Arias during the time that the effort was being made to secure elections in Nicaragua. And because of President Arias' own efforts to create a peace plan, he was suffering from some fairly hardnosed retribution by the United States with respect to the AID Program. Because a Central American President dared to exert a certain amount of independence based on his own perception of the needs of his region, we did not hesitate to turn around, turn the vise, and tighten the screws with respect to IMF, World Bank, and other aid programs.

And so, indeed, countless citizens in his country suffered, and our relations suffered because we, out of arrogance, reacted adversely to the notion that we could not impose our will.

This piece of legislation attempts, I think, to redress that kind of insult and injury. It suggests that a central premise of the International Commission's recommendations and this bill is that it is up to the nations of the region to direct their own economic and human resources and up to them to build the institutions necessary for achieving peace and prosperity.

What they need from the outside is not inappropriate pressure, but rather true help in building these institutions. It has been my experience in the brief time that I have served in the Senate, but in the, perhaps, longer time that I have had exposure to other countries and to different attitudes in the world, that we are much stronger for that kind of cooperative effort than we are for the sledgehammer approach.

The more we can build a mutual respect and a mutuality of approach, the sooner we will see the interests of this country served, and the sooner we will see a strengthening of the very kinds of institutions that we profess to care so much about.

Mr. President, in closing let me say that the potential for sustained democracy and development in Central America has never been greater than it is at this particular moment. At the same time, though, the challenges that confront the governments of that region are also probably as large as they have ever been. It would be both tragic and unwise if we did not help those governments to meet those challenges.

Senate bill 100, the legislation of the Senator from North Carolina, is visionary legislation. It is not the kind of legislation we often get an opportunity to vote on here, but it has a vision of how a foreign policy ought to be implemented, of how an aid program can best be carried out. It has a vision about the real relationships that build a new order, and it has a vision about how people ought to be treated appropriately.

So, Mr. President, I am pleased to be supportive of it. I think it is a wise policy, a policy that will allow the United States to assist in establishing a new world order in Central America, one that is based on democracy and based on the economic conditions that are absolutely essential to sustaining democracy. I urge my colleagues to support this bill.

MIA-POW

Mr. KERRY. I beg the indulgence of the Chair for just a couple of moments to make a comment with respect to a journey that I made last week to Vietnam and to Cambodia. I want to address one aspect of it. I intend to speak at length sometime shortly with respect to the region and the peace process, and the PERM 5 effort to bring peace to Cambodia.

One of the principal reasons that I went to Vietnam was to try to sort out the MIA-POW issue, which is an issue that continues to haunt the United States of America. There is not a fire station or a police station or a State capitol or a public building in America, including our own Capitol with the rotunda just down the hall, where you cannot find the black POW-MIA flag that flies.

This is an issue that in the early 1980's was reinserted into the consciousness of Americans. The National League of Families lists some 2,274 individuals as still missing in action from the Vietnam war. It is an appropriately felt issue because, if there is a possibility that any American soldier might somehow still be alive and unaccounted for, there is not a person in this country who does not believe we still have a mission, and that mission is to have a full accounting.

But there must be an appropriate effort to get that full accounting, and there must be an appropriate standard by which we measure whether or not we are in fact getting it. For better or worse, the issue of MIA-POW has been made a condition influencing our ability to move toward a different relationship with Vietnam. It is clearly an issue of significant enough moral compulsion that we must resolve it in order to move forward in that relationship.

Mr. President, it has been 20 years or more in many of these MIA cases. If, indeed, politicians are serious—and I take it at face value they are—that there may be somebody missing and we need an accounting; if, indeed, people are not just using an issue—and I take it that they are not when even in 1990 you go to a ceremony and the full list of those missing is read out loud—if all of this is real—and I take it at face value that it is because of the importance of the issue—then, Mr. President, it is the first priority of this Nation to get that accounting as soon as possible. If it is not real, then it should not be put up as a barrier or an impediment to the change of relations and to the process of putting this war behind us.

All of us have accepted that it is real. I believe there is a possibility—who knows how outrageous—that some person who was lost on the Laotian border or the Cambodian border fell into the hands of the people outside the Government. We do not have an answer yet, and we are owed an answer, Mr. President. We are owed an answer.

Three weeks ago I came out of a town meeting in Massachusetts and there waiting for me was a family who for the third time in about 2 months had approached me because they had been told by someone in this country on several occasions that their son, who was lost in 1978, is still alive and had been sighted as recently as 3 weeks ago. All you have to do is look into the eyes of

the family that 20 years later is being told that their loved one is still alive and has been sighted to understand the anxiety that still exists at large in this country. We have to do something about it.

Mr. President, when I went to Vietnam, I met with—and to my surprise became the first American official to meet with—the General Secretary of the party in Vietnam, Nguyen van Linh, and I met with Foreign Minister Thach—as General Vessey and others have—and tried to elicit, as Senator McCAIN has, a sense of how we can move forward here. I believe General Vessey has done an outstanding job at this. I congratulate him.

Everything that I have tried to do or I am trying to do at this point is really to supplement his efforts to help the governmental entities get over the mistrust that exists in some quarters of this country with respect to this issue.

I believe that there is a new opportunity with respect to the Vietnamese right now to move forward rapidly in resolving this issue, to move more authoritatively with respect to it, and to try to put some of these issues to bed.

Up until now General Vessey and others have indicated there have been problems in getting access to records. I raised that issue with the Vietnamese, and I believe at this point in time that, to the degree there are records that exist, they are willing to make them available to us. I believe they will assign Vietnamese personnel to the task of trying to track those records in an effort to work out the discrepancies and get answers.

In addition, General Vessey and others have indicated that there is a travel problem. Mr. President, I posed this problem to Secretary Linh. I said to him pointblank: "There are people in the United States who will not believe your good faith if you are requiring us to come to you and get a stamp of approval before we can travel to some part of the country in order to find our whether or not somebody was there in response to a live sighting. People will believe you have moved them in the interim between getting the stamp of approval and our going out there. So if you want to put this issue to rest, give us permission to move through your country at will so that there can be no doubts about the veracity of the followup on a live sighting."

Secretary General Linh said to me, "That is not a problem. I will agree that we will give you the opportunity to have a blanket approval for travel. You can send people anywhere you want in the country. Bring Vietnam veterans over here, let them go anywhere in Vietnam and see whether or not there are any people held here or any people alive."

Similarly in Cambodia and Laos, both of those countries are willing to help and there has been a successful recent meeting of our own POW-MIA team that has gone into Laos and greatly advanced our ability to resolve this issue.

Mr. President, I believe that General Vessey is on the right track. I believe that the opportunity is there for our country to augment our efforts to resolve this issue. And it is my hope that, together with Senator McCAIN and others, we can put together a small group of veterans who can assist in the process of breaking down the redtape, of building up the trust between the government entities, and of helping families to believe that the maximum effort is being put into this so that all of us can come together again with an understanding that nobody is covering up anything, that nothing is being shunted aside, and that every effort is being made to resolve this vital issue. I hope that the administration will take advantage of this opportunity.

Mr. President, I thank the distinguished Chair for his indulgence in letting me say these extra words.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. FORD].

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Kentucky, suggests the absence of a quorum.

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 (Mr. DODD). Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The Senate will now go into executive session to consider en bloc Executive Calendar Nos. 2, 3, 4, and 5, which the clerk will state.

The assistant legislative clerk read as follows:

EX. EE, 96-1. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, with Annex, 1978;

Treaty Doc. 101-7. Annex III to the 1973 Convention for the Prevention of Pollution From Ships;

Treaty Doc. 102-2. 1988 Protocols Relating to the Safety of Life at Sea and Load Line Conventions; and

EX. K, 88-1. Convention Concerning the Abolition of Forced Labor.

The Senate proceeded to consider the treaties.

The PRESIDING OFFICER. There will now be 10 minutes of debate equally divided and controlled by the chairman and ranking member of the Foreign Relations Committee.

The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to thank the chairman of the Committee on Foreign Relations, the distinguished ranking member, and all those involved in a matter that may not be widely noticed but is of epic importance.

For the first time in our 66 years of membership in the International Labor Organization, we are going to ratify a substantive treaty, one of the five key human rights conventions of the ILO, which has meant so much to this century.

I would like particularly to note that it was 27 years ago that President Kennedy proposed that we do this in a message to the Congress. I was then Assistant Secretary of Labor. We were so pleased that finally we were resuming this relationship with the ILO with its great purposes that President Wilson so very much associated himself with.

Mr. President, I ask unanimous consent that President Kennedy's message and that of his Secretary of State Dean Rusk, and Secretary of Labor W. Willard Wirtz be printed in the RECORD at this point.

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

1963 PRESIDENTIAL MESSAGE SUBMITTING CONVENTION 105 TO THE SENATE

THE WHITE HOUSE, *July 22, 1963.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Convention Concerning the Abolition of Forced Labor (convention No. 105), abopted by the International Labor Conference at its 40th session, Geneva, June 25, 1957.

I transmit also, for the information of the Senate, the report of the Secretary of State concerning the convention, together with the copy enclosed therewith of a letter from the Secretary of Labor.

JOHN F. KENNEDY.

(Enclosures: (1) Report of the Secretary of State, with enclosed background statement and copy of letter; (2) certified copy of ILO convention No. 105.)

THE WHITE HOUSE, *July 22, 1963.*

DEPARTMENT OF STATE,
July 18, 1963.

The PRESIDENT,
The White House:

I have the honor to lay before the President, with a view to its transmission to the Senate for the advice and consent of that body to ratification, if the President approve thereof, a certified copy of the Convention Concerning the Abolition of Forced Labor

(convention No. 105) adopted by the International Labor Conference at its 40th session, Geneva, June 25, 1957.

In accordance with article 4 thereof, the convention entered into force on January 17, 1959. At the present time 60 of the 108 members of the International Labor Organization, not including the United States, have deposited instruments of ratification to the convention.

There is enclosed a background statement on the development of this convention over a period of nearly 10 years.

The convention as adopted consists of a preamble and 10 articles, the substantive provisions being contained in the first 2 articles.

Article 1 provides that each ratifying member undertake to suppress and not to make use of any form of forced or compulsory labor (a) as a means of political coercion or education or a punishment for holding or expressing political views or views ideologically opposed to the established political, social, or economic system; (b) as a method of mobilizing and using labor for purposes of economic development; (c) as a means of labor discipline; (d) as a punishment for having participated in strikes; and (e) as a means of racial, social, national, or religious discrimination.

Article 2 provides that each ratifying member undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labor as specified in article 1.

Formal ratifications are to be communicated to the Director General of the International Labor Organization (art. 3). The convention is binding only on those members which have registered ratifications with the Director General, and the convention enters into force 12 months after the date on which the ratifications of two members have been registered (art. 4). Thereafter it enters into force for any member 12 months after the date of registration of its ratification (art. 4).

The convention may be denounced by any member a party thereto after 10 years have elapsed from the date it first enters into force, by a communication addressed to the Director General; such denunciation shall take effect 1 year from the date it is registered by the Director General (art. 5). Any party which has not, within a year following the expiration of that 10-year period, exercised the right of denunciation, will continue to be bound for another 10-year period and, thereafter, by a communication to the Director General, may denounce the convention at the expiration of any period of 10 years (art. 5).

The Director General shall notify all members of the Organization of the registration of ratifications and denunciations and of the entry into force of the convention (art. 6), and shall register the convention with the United Nations in accordance with article 102 of the United Nations Charter (art. 7).

Article 8 provides for consideration of a revision of the convention. Article 9 provides that, if the Conference adopts a new convention revising this convention in whole or in part, then, unless the new convention otherwise provides, ratification by a member of the new convention shall involve immediate denunciation of this convention notwithstanding the provisions of article 5. Article 10 states that the English and French versions of the convention are equally authoritative.

Pursuant to article 19, paragraph 7(b), of the Constitution of the International Labor Organization, the convention was transmitted to both Houses of Congress on February 9, 1959 (H. Doc. 78, 86th Cong., 1st sess.). At that time the interested departments of the Government were inclined to the view that the ban on forced labor as a punishment for having participated in strikes raised problems of a technical legal character with regard to areas of State regulation.

However, after an extensive additional review of the convention and the technical legal problems involved, the interested departments of the Government have expressed their coordinated view (see the enclosed copy of a letter dated February 15, 1963, from the Secretary of Labor) that the subject matter of convention No. 105 is wholly within the Federal competence under the 13th amendment to the Constitution of the United States, that there is neither Federal nor State power validly to impose forced labor as a punishment for a legal strike, and that, with regard to illegal strike activities, any such punishment would only come about "as punishment for crime whereof the party shall have been duly convicted." The 13th amendment to the Constitution reads in part:

"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

Accordingly, and in accordance with article 19, paragraph 7(a), of the Constitution of the International Labor Organization, the convention is submitted herewith for transmission to the Senate for advice and consent to ratification.

Respectfully submitted.

DEAN RUSK.

Enclosures: (1) Background statement; (2) copy of letter of February 15, 1963, from the Secretary of Labor; (3) certified copy of convention No. 105.

BACKGROUND STATEMENT REGARDING THE DEVELOPMENT OF CONVENTION NO. 105

The adoption of the convention by the International Labor Conference in 1957 was the result of long and earnest consideration of the problem of forced labor. In 1947 the Economic and Social Council of the United Nations received a letter from the American Federation of Labor urging an investigation concerning forced labor and the consideration of action to abolish it. The Council adopted a resolution on March 7, 1949, which, among other things, invited the International Labor Organization "to give further consideration to the problem of forced labour and its nature and extent in the light of all possible information." This resolution came before the Governing Body of the Organization at its 109th session (June 1949). The Governing Body stated its view that there should be an impartial inquiry into the nature and extent of forced labor and the treatment accorded to such persons.

On March 19, 1951, the Economic and Social Council adopted a resolution in paragraph 1 of which it is stated:

"1. *Decides* to invite the International Labour Organization to co-operate with the Council in the earliest possible establishment of an ad hoc committee on forced labour of not more than five independent members, qualified by their competence and impartiality, to be appointed jointly by the Secretary General of the United Nations and the Director General of the International Labour Office with the following terms of reference:

"(a) To study the nature and extent of the problem raised by the existence in the world of systems of forced or "corrective" labour which are employed as a means of political coercion or punishment for holding or expressing political views and which are on such a scale as to constitute an important element in the economy of a given country, by examining the texts of laws and regulations and their application in the light of the principles referred to above and if the committee thinks fit by taking additional evidence into consideration;

"(b) To report the results of its studies and progress thereon to the Council and to the Governing Body of the International Labour Office."

The report of the ad hoc committee, adopted on May 27, 1953, was submitted to the United Nations and the International Labor Organization. The General Assembly of the United Nations adopted in 1953 a resolution in which it invited "the Economic and Social Council and the International Labour Organization, as a matter of urgency, to give early consideration to the report of the Ad Hoc Committee on Forced Labour."

The Economic and Social Council, at its 17th session in 1954, considered the report and adopted a resolution in which the International Labor Organization was invited to continue its consideration of the question.

During the 1956 Conference (39th session) of the International Labor Organization the Committee on Forced Labor submitted its report as a basis for discussion regarding the preparation of a new international instrument concerning forced labor. The Committee's report recommended that a convention was the most appropriate form of instrument and set forth certain proposals to be used as a basis for draft articles for the abolition of forced labor. The conclusions of the Committee were examined by the Conference and a resolution was adopted on June 28, 1956, approving the Committee report, and in particular approving as general conclusions, with a view to the consultation of governments, proposals for a convention relating to forced labor. The subject was placed on the agenda of the next general session with a view to a final decision on a convention concerning forced labor.

At the 40th session of the International Labor Conference (1957) the Committee on Forced Labor considered the draft of an international instrument concerning forced labor. The Committee submitted a draft convention to the General Conference with a report dated June 19, 1957, and the General Conference adopted the draft convention on June 21, 1957. The U.S. delegations actively participated in the discussions regarding the draft convention, which was adopted by a vote of 240 to 0 with 1 abstention. The U.S. Government and workers' delegates voted in favor; the U.S. employers' delegate abstained on the basis of the form of the instrument.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, DC, February 15, 1963.

Hon. DEAN RUSK,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: This letter will express to you the revised coordinated view of the interested departments and agenices of the executive branch with respect to the Convention (No. 105) Concerning the Abolition of Forced Labor, adopted at the 40th session of the International Labor Conference at Geneva, Switzerland, June 25, 1937. The previous coordinated view of these departments and agenices on this instrument was expressed in a letter to the then Sec-

retary of State, the Honorable John Foster Dulles, from Secretary of Labor James P. Mitchell, dated December 15, 1958, and forwarded by the Department of State to the House of Representatives and the Senate on February 9, 1959. (H. Doc. 78, 86th Cong., 1st sess.).

The Convention requires that each ratifying member undertake to suppress and not to make use of any form of forced or compulsory labor for the following purposes: As a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social, or economic system; as a method of mobilizing and using labor for purposes of economic development; as a means of labor discipline; as a punishment for having participated in strikes; and as a means of racial, social, national, or religious discrimination. It further requires that each ratifying member undertake to take effective measures to secure the immediate and complete abolition of the specified forced or compulsory labor.

The Convention was adopted by a vote of 240 to none, with 1 abstention. The U.S. Government and workers' delegate voted in favor; the U.S. employers' delegate abstained on the basis of the form of the instrument.

In the letter of December 15, 1958, the position was taken that article 19 paragraph 7(b) of the ILO Constitution was applicable to convention No. 105 and that its ratification was not deemed appropriate. Concern was expressed that the ban on forced labor as a punishment for having paritcpated in strikes raises problems of a technical legal character with regard to areas of State regulation.

In view of the continuing importance of this subject in international relations and the leading role which the United States has and must continue to play in the United Nations and in the International Labor Organization on the subject of forced labor, a review has been made of the extent of the inhibitions upon ratification involved in such technical legal problems.

The revised coordinated view that the convention is appropriate for ratification has been reached after such study by the Department of Commerce, the Department of Justice, the Department of the Interior, the Department of the Navy, and the Department of Labor, each of which expressed its views to the extent which it considered appropriate. Representatives of the Department of State were consulted in connection with the formulation of this view.

As stated in the letter of December 15, 1958, "for some 90 years forced labor has been prohibited in the United States by amendment to the U.S. Constitution." In *Dennis* v. *United States*, 341 U.S. 494 (1951), upholding convictions for conspiracy to organize a group which teaches and adovcates violent overthrow of the Government and conspiring to teach and advocate the duty and necessity of overthrow of the Government by force and violence, the important and careful distinction is made between this kind of activity and "the free discussion of political theories" and "the traditional rights of Americans to discuss and evaluate ideas without fear of governmental sanction" (341 U.S. 502-503). Just as there is neither Federal nor State power validity to impose forced labor as a punishment for holding and discussing political views in a lawful manner, by reason of the Federal Constitution, there is neither Federal nor State power validity to impose forced labor as a punishment for a legal strike. Even with regard to illegal strike activities, any such punishment would only come about "as punishment for crime whereof the party shall have bene duly convicted."

The United States, as a member of the ILO, has assumed the obligations set forth in article 19 of the ILO Constitution. It is our view, after further study of the matter, that the subject matter of ILO convention No. 105 is wholly within the Federal competence under the 13th amendment and that paragraph 7(a) of article 19 is applicable to it. Under these provisions the Federal Government is obligated to bring the convention before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action and to report the action taken.

Accordingly, it is recommended that the President of the Senate and the Speaker of the House of Representatives be advised of this revised coordinated view of the executive branch with respect to ILO convention NO. 105. It is further recommended that this instrument be transmitted to the Senate with a view to receiving advice and consent as to its ratification. Inasmuch as U.S. law and practice is in conformity with its provisions, no enactment of legislation is required in its ratification.

Yours sincerely,

W. WILLARD WIRTZ,
Secretary of Labor.

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

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I am pleased to bring before the Senate today several treaties that have been reported by the Committee on Foreign Relations.

MARITIME TREATIES

Three of these treaties were negotiated under the auspices of the International Maritime Organization [IMO], or its predecessor Intergovernmental Maritime Consultative Organization [IMCO], a specialized agency of the United Nations concerned with the promotion of safety in shipping and the prevention of marine pollution from ships.

I am particularly glad to be in this position today in presenting these treaties for passage because I remember being appointed as a delegate to the initial meeting of IMCO by President Eisenhower before being elected to the Senate.

The first of these maritime treaties is the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers [STCW] which has been ratified by 78 countries and entered into force in 1984. This Convention sets minimum acceptable standards for the training of masters, officers, and certain crewmembers of seagoing merchant ships. Those standards cover such subjects as age, experience, amount of training, and requisite knowledge concerning several specifically enumerated subjects.

Another of the maritime treaties that we will consider today is annex III to a convention and protocol known as MARPOL which sets forth standardized regulations for the marine transport of packaged cargos that are potentially harmful to the environment.

And we are also presenting for the Senate's advice and consent a set of so-called harmonization protocols to two marine conventions which have been previously ratified. One of those conventions is the International Convention on Load Lines, and the other is the International Convention for the Safety of Life at Sea. These two conventions require numerous inspections of ships to ensure that the ships are complying with the requirements of the respective conventions. The requisite inspection dates differ under the two conventions, and have thereby occasioned an excessive number of visits to each ship by the inspectors. The harmonization protocols are the result of an effort to permit ships to be inspected by the same inspector for compliance with both conventions during one visit.

ILO CONVENTION NO. 105

The fourth treaty is the one that has been described already by the Senator from New York [Mr. MOYNIHAN] and I congratulate him for it being brought forward these many years after it was first introduced. This treaty is the Convention Concerning the Abolition of Forced Labor, adopted sometime ago by the International Labor Conference. This convention requires the ratifying States to undertake to suppress and not make use of forced and compulsory labor—

As a means of political coercion or education, or as punishment for holding or expressing political views or views ideologically opposed to the established political, social, or economic system;

As a method of mobilizing and using labor for purposes of economic development;

As a means of labor discipline;

As a punishment for having participated in strikes; or

As a means of racial, social, national, or religious discrimination.

As we proceed toward approval of this particular convention, I again wish to commend the Senator from New York [Mr. MOYNIHAN] for his diligence and his hard work in seeing to it that this significant convention has come to this stage in the ratification process.

Mr. President, I urge my colleagues to support all the the resolutions that are before us today.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

There are 5 minutes allocated to the ranking minority member of the Senate Foreign Relations Committee, the Senator from North Carolina.

Mr. HELMS. Mr. President, for almost 100 years, it has been recognized that slave labor is a heinous crime. Products made under slave labor condi-

tions are banned from the United States, Canada, England and other Western countries. The practice is condemned by ILO Convention 105 which is before us today. Slave labor is an offense against the prisoners who are forced to work to enrich their masters and it is an offense against those free workers who must compete against products produced by slave labor.

The situation on slave labor can best be exemplified by the horrendous conditions now taking place in Communist China. We discussed these at great length during the markup of this treaty, and it is wise to go over these points again since they are so fresh in the public mind.

But not only has slave labor not been eradicated, it has actually, expanded in Communist China. According to Asia Watch:

> The Government of China is systematically exploiting the labor of prisoners in the vast Chinese gulag to produce cheap products for export—and specifically targeting the United States, West Germany, and Japan.

The General Accounting Office has this to say about slave labor in Communist China:

> Forced labor is an integral part of the political, judicial, penal and economic systems in the People's Republic of China and is practiced throughout the country.

Let me repeat: throughout the country.

Three weeks ago, Congressman FRANK WOLF walked into a prison in Peking and found the prisoners making textiles, undoubtedly for export to the United States.

Last year a brave State Department officer told his bosses that every prison in South China has its own slave labor program, but none of the higher ups was listening.

Business Week calls it, "China's Ugly Export Secret: Prison Labor".

Well, it is not a secret anymore.

Now, I have been pointing this out for well over a year, but I keep being told by the administration that they cannot find it.

I ask this: If FRANK WOLF can find it and the human rights groups can find it and the press can find it and the GAO can find it and our counsel general in Canton can find it, then the administration can find it.

When the administration finds it, it should use existing law to stop it. If it doesn't have enough legislative authority, come to us an we will fix it right quick.

Because let's not forget who we are talking about here: We are talking about the young students who managed to survive the massacre at Tiananmen Square and the workers who wanted to form their own free trade unions. They are the ones who are in the Communist Chinese gulag.

We can begin by ratifying ILO Convention 105, but, more importantly, it is time to put an end to slave labor imports.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is sufficient second.

The yeas and nays were ordered.

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

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

Mr. HELMS. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from North Carolina has 3 minutes and 40 seconds, and the time of the majority has expired.

Mr. HELMS. It has expired?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I yield back the remainder of the time.

The PRESIDING OFFICER. Under the previous order, one vote will count as four votes. The question is on agreeing to the resolutions of ratification.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. LIEBERMAN] is necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

I further announce that, if present and voting, the Senator from Connecticut [Mr. LIEBERMAN] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH] is absent due to a death in the family.

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Votes Nos. 56, 57, 58, 59 Ex.]

YEAS—97

Adams	Cohen	Graham
Akaka	Conrad	Gramm
Baucus	Craig	Grassley
Bentsen	Cranston	Harkin
Biden	D'Amato	Hatch
Bingaman	Daschle	Hatfield
Bond	DeConcini	Heflin
Boren	Dixon	Helms
Bradley	Dodd	Hollings
Breaux	Dole	Inouye
Brown	Domenici	Jeffords
Bryan	Durenberger	Johnston
Bumpers	Exon	Kassebaum
Burdick	Ford	Kasten
Burns	Fowler	Kennedy
Byrd	Garn	Kerrey
Chafee	Glenn	Kerry
Coats	Gore	Kohl
Cochran	Gorton	Lautenberg
Leahy	Packwood	Simon
Levin	Pell	Simpson
Lott	Pressler	Smith
Lugar	Reid	Specter
Mack	Riegle	Stevens
McCain	Robb	Symms
McConnell	Rockefeller	Thurmond
Metzenbaum	Roth	Wallop
Mikulski	Rudman	Warner
Mitchell	Sanford	Wellstone
Moynihan	Sarbanes	Wirth
Murkowski	Sasser	Wofford
Nickles	Seymour	
Nunn	Shelby	

NAYS—0

NOT VOTING—3

Danforth	Lieberman	Pryor

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The resolutions of ratification agreed to are as follows:

INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, WITH ANNEX, 1978—EX EE—96TH CONGRESS, FIRST SESSION—(ROLLCALL VOTE NO. 56)

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, with Annex, 1978 (The Convention), done at London, July 7, 1978.

ANNEX III TO THE 1973 CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS—TREATY DOC. 101-7)—(ROLLCALL VOTE NO. 57)

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Annex III (Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Forms or in Freight Containers, Portable Tanks or Road and Rail Tank Wagons), an optional annex to the 1973 International Convention for the Prevention of Pollution from Ships, as modified and incorporated by the 1978 protocol relating thereto (MARPOL 73/78).

1988 PROTOCOLS RELATING TO THE SAFETY OF LIFE AT SEA AND LOAD LINE CONVENTIONS—TREATY DOC. 102-2—(ROLLCALL VOTE NO. 58)

Resolved (two-thirds of the Senators present concurring therein, That the Senate advise and consent to the ratification of the Protocol of 1988 Relating to the International Convention for the Safety of Life at Sea, 1974, with Annex, and the Protocol of 1988 Relating to the International Convention on Load Lines, 1966, with Annexes; both Protocols done at London November 11, 1988, and signed by the United States April 6, 1989.

CONVENTION CONCERNING THE ABOLITION OF FORCED LABOR—EX. K—88TH CONGRESS, FIRST SESSION—(ROLLCALL VOTE NO. 59)

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention Concerning the Abolition of Forced Labor (Convention No. 105), adopted by the International Labor Conference at its 40th Session, Geneva, June 25, 1957, subject to the following understandings:

1. The United States understands the meaning and scope of Convention No. 105,

having taken into account the conclusions and practice of the Committee of Experts on the Application of Conventions and Recommendations existing prior to ratification, which conclusions and practice, in any event, are not legally binding on the United States and have no force and effect on courts in the United States; and

2. The United States understands that Convention No. 105 does not limit the contempt powers of courts under Federal and State law.

The PRESIDING OFFICER. The President will be notified of the Senate action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

CENTRAL AMERICAN DEMOCRACY AND DEVELOPMENT ACT

The PRESIDING OFFICER. The Senate will continue with the consideration of S. 100, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 100) to set forth United States policy toward Central America and to assist the economic recovery and development of that region.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I rise today to express my strong support of S. 100, the Central American Democracy and Development Act. This bill will redefine our Nation's policy toward the countries of Central America, and I am proud to be one of its 33 cosponsors.

I want to take this opportunity to commend our distinguished colleague from North Carolina, Senator SANFORD, for bringing this important measure before the Senate. Senator SANFORD has worked long and hard on issues relating to Central America. In 1987, it was Senator SANFORD who recruited a distinguished group of experts to form the International Commission for Central American Recovery and Development. The 47 members of the Commission came from widely diverse backgrounds and represented 20 countries in Latin America, North America, Europe, and Asia. More important, 20 members were Central Americans. The Commission allowed Central Americans to work toward solutions to the problems that Central Americans face. In 1989, this nonpartisan body issued the report which became the driving force for S. 100. I would like to commend the Commission today for its hard work and dedication to the people of Central America.

Mr. President, the collapse of East European dictatorships in 1989 was truly a watershed for East-West relations and I suspect truly a diplomatic watershed for the latter part of the 20th century. Time and again, the Bush administration has expressed its support for the economic and political development of the fledgling democracies in Eastern Europe.

But what about the least developed countries, Mr. President? The least developed countries also fell victim to cold war politics.

In the 1980's our policy toward Central America failed to address the deep-rooted problems of the region. We seemed more interested in preserving the status quo than in improving living conditions for the people of Central America. We failed to recognize that democratic advances could not be made without economic development.

In short, Mr. President, we encouraged democratic and economic change in one part of the world—in Eastern Europe—while supporting military rule in another part of the world, looking the other way when human rights violations occurred and supporting regressive social policies in Central America.

I think the initiative offered by the distinguished junior Senator from North Carolina, [Mr. SANFORD] gives the United States a unique opportunity to break from past policies and foster positive advances in Central America. That difficult process has begun. With the Esquipulas accords, the end to the civil war in Nicaragua, and major constitutional reforms in El Salvador, the countries of Central America are moving toward peace, at long last, they are moving toward pluralism, and economic development. The 1990 Antigua declaration, signed by the five Central American presidents, asserted the need for a Central American common market and for greater regional cooperation in trade, production, and investment. The Central American governments have also begun discussions on regional security issues.

This legislation represents a pledge to support the Central American governments in that effort, and to move away from the destructive policies of the 1980's. It is time for the United States to join in this shared vision with the countries of Central America and encourage fundamental economic and political steps that will lead to democracy, that will lead to economic prosperity, that will lead to respect for human rights, and will turn away from bloodshed and social decline that has plagued the region for so long. The Central American Democracy and Development Act charts a course for U.S. policy that pledges our support and our commitment to the regional integrity, security, and prosperity of Central America. In this policy, we, too, can realize our own future of economic prosperity and peace.

As a nation, we must recognize that democratic principles and economic development are inseparably intertwined and linked together. We must realize that lasting solutions to the many problems in Central America can only be solved, in the final analysis, by the Central Americans themselves, and that lasting solutions can only be reached at the negotiating table, to which all parties come freely and to which all parties are represented. These solutions are lasting as opposed to the problems that stem from continued combat and continued measures that are spinoffs from various hostilities and various battles that may occur.

We must acknowledge that the role of the United States should be to stimulate and support this peaceful process.

Mr. President, the Central American Democracy and Development Act is based on these convictions and builds upon the accords resulting from the Esquipulas II agreements. The legislation reflects a commitment by the Congress to support regional cooperation as I said earlier, protection of basic human rights, democratic political reform, and the expansion of economic opportunities in Central America. In short, S. 100 states that the policy of the United States toward the region will take advantage of positive events to ensure a stable and prosperous future for the hemisphere.

The Central American Democracy and Development Act enjoys broad bipartisan support in the Senate. The State Department supports the legislation and most important, Mr. President, it is supported by the five Central American leaders.

I am pleased that today, the Senate has the opportunity to assist these leaders in their historic effort to bring peace, freedom, and prosperity to Central America.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. DIXON). The distinguished senior Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair.

Just for the record, will the Chair inform the Senator, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 100.

Mr. HELMS. Again, I thank the Chair.

Mr. President, in just a few minutes I am going to offer an amendment to S. 100, the Central American Democracy and Development Act. This amendment is identical to the guidelines laid down for Eastern Europe in the 1989 SEED Act with which the distinguished occupant of the Chair is most familiar.

My amendment is designed to ensure that any future assistance to Latin America will be used to foster free market policies, thereby promoting real development and eliminating dependency on U.S. foreign aid, of which the American taxpayers have already had enough.

Mr. President, the point is this: The free-market guidelines, as stipulated in the amendment I shall shortly offer, were good enough for Eastern Europe; surely they are good enough for Latin America. I have a couple of charts, and I am going to suggest the absence of a quorum just briefly so I could have these charts brought down and held up.

Mr. SYMMS. Will the Senator yield before he suggests the absence of a quorum?

The PRESIDING OFFICER. Will the Senator withhold?

Mr. SYMMS. For a question on his amendment?

Mr. HELMS. Yes.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. I like the looks of the amendment of the Senator from North Carolina. Maybe the United States should get the same treatment.

Mr. HELMS. The Senator is exactly right. I imagine 98 percent of the American taxpayers would agree with the Senator and me on this point.

Mr. SYMMS. I cannot see who could oppose an amendment like this. I am surprised the committee would not accept it.

Mr. HELMS. I will say to the Senator, just watch what happens when the roll is called—there will be plenty of nays.

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

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. HELMS. Mr. President, the first poster I have here is one which is important that my colleagues understand. The chart explains that my amendment is identical to language already in current law, as passed in the SEED Act of 1989 with reference to Eastern Europe.

S. 100, the bill now pending before the U.S. Senate, is identical to legislation that languished on the Senate Calendar at the close of the 101st Congress.

Several Senators at that time expressed concerns that this proposal calls for a new broad-based economic plan for Latin America without any effective benchmark by which progress toward a free-market economy could be made.

In his testimony before the Foreign Relations Committee in September 1990, David Luft, who is a noted economist and a former U.S. alternate representative to the Organization for American States, stated that this legislation is basically "a declaration of good intentions in the form of an endorsement of a number of diplomatic accords and recommendations of the International Commission for the Central American Recovery and Development."

Then he went on to say:

> After careful analysis of S. 100, I find that it is a declaration of good intentions, but good intentions do not constitute a policy. What is needed is a policy that charts a course by which Latin America can move toward a free-market system.

And if Latin America does not move in that direction, I say to the distinguished Senator from Idaho, it is not going to move at all in any direction.

This is what Mr. Luft was urging in his testimony before the Foreign Relations Committee in September of 1990. He put it this way:

> Sustainable economic development is created by the private sector—that is, private businesses.

Then he continued:

> The laws, regulations and programs of governments can enhance or reduce the prospects of success for the private sector, but they cannot alter the laws of economics.

I might say parenthetically that is exactly what the Senator from Idaho is talking about. We have been trying to repeal the laws of economics—every time this Senate has met for 30 years. That is the reason we have a Federal debt in our own country of nearly $4 trillion.

Mr. Luft goes on to say:

> Fundamental to the success of private business are full rights to acquire and hold private property, including land, and the benefits of contractual relations, thus land reform of the type which took place in El Salvador in which the new owners of the land never received title and fee simple failed as it was bound to do.

You hear a lot of praise for the land reform program in El Salvador. In reality, however, it never happened. The people there were allocated land, but never got the title to it. It was simply another bureaucratic mess.

Then Mr. Luft said:

> A corollary to the establishment of full private property rights ought to be that state-owned enterprises ought to be privatized. As long as an enterprise is owned by the state, it will tempt government officials to use it for the achievement of political rather than economic goals.
>
> Individual administrations may be more or less susceptible to succumbing to this, but the temptation will remain.

We see that right here in Washington, DC.

Mr. President, this is precisely the problem in Latin America today, and S. 100, does nothing to alleviate this problem. It is a nice piece of legislation which does nothing to help Latin America in concrete terms. What I am suggesting with my amendment is that certain free-market policy guidelines be added to S. 100 in order to ensure that U.S. taxpayer funds are not wasted on the failed policies of the past.

Incidentially, Mr. President, my colleague and I have agreed to disagree on this. The Senator understands my position, and I understand his. Both are pretty consistent.

The Commission appointed by our distinguished colleague from North Carolina, Mr. SANFORD stated, and I quote:

> The Commission recommends the creation of opportunities for workers' participation in ownership and profits.

Well, those are pretty nice sounding words. I thought Mr. Luft responded to that pretty well. He said:

> The Sanford Commission's statement seems to be somewhat at variance with this statement on state-owned enterprises. A sale of state-owned enterprises to workers through a properly designed employee stock ownership plan is most certainly within the Central American governments' power, and would simultaneously make a not insignificant contribution to a reduction in these governments' fiscal deficits. They should follow this path in a number of instances with resounding success.

Mr. President, Latin America is suffering today from an economic crisis brought on by inefficient socialist programs, widespread corruption, and a proliferation of government regulation of the private sector. That is what is wrong in Latin America. This is the case despite the fact that the U.S. taxpayers have been required to pour more than $7 billion of the U.S. taxpayers' funds into economic development in Latin America over the past decade. And Latin America is no more developed today than it was years ago.

Moreover, one of the reasons that Latin American nations are submerged in such overwhelming debt is that they borrowed vast sums of money to be used for consumption, not for investment, nor creating jobs; not for development, nor creating a high standard of living and a stable economy.

It is not surprising then, that these nations have neither the base nor the infrastructure with which to generate the revenue to repay those loans. I have been waiting for the Senator from Idaho to interrupt to ask: What is the difference between Latin America and the United States? None. Unless the United States makes clear to these countries that the only way to economic prosperity is through free-market policies, then the United States is merely throwing the U.S. taxpayers' money down a rathole.

I express hope that maybe somewhere along the line it is going to sink into the Congress of the United States that we have to stop spending so much of the taxpayers' money. The Congress must stop running up this debt. The Congress must stop this business of Federal debt costing the taxpayers between $250 and $300 billion a year in interest alone. So, at the very least, maybe we can learn something by examining what the cause of the problem in Latin America has been all along, because it is totally applicable to the United States.

When S. 100, the pending business, was first considered by the Foreign Relations Committee in September 1990, I proposed to my friend, the distinguished junior Senator from North Carolina [Mr. SANFORD] that his proposed legislation be modified to ensure that any future economic assistance to Latin America will be used to promote and to foster at least nine free-market policies. I had them put here on this board so that those who may be interested can read along with me. I would like anybody to tell me what is unreasonable about any one of the nine, unreasonable in terms of Latin America, or unreasonable certainly in terms of the American taxpayers.

First, privatization of State-owned economic entities.

Second, establishment of full rights to acquire and hold private property.

Third, simplification of regulatory controls.

Fourth, dismantlement of wage and price controls.

Fifth, removal of trade restrictions on imports and exports.

Sixth, liberalization of investment and capital. To put that another way, to create jobs so that the people can pay taxes on money that they have earned. Instead as being just consumers, let them be a part of the economy again.

Seventh, tax policies which provide incentives for economic activity and investment.

Eighth, establishment of rights to own and operate private banks and other financial service agencies, as well as unrestricted access to private trading.

Ninth, access to a market for stocks, bonds, and other financial instruments through which individuals may invest in the private sector.

Mr. President, the declaration of these principles in U.S. policy would in no way impinge upon the freedom of action in any Latin American country. I will be the first to say that any sovereign nation may adapt any policy that it wishes. But the U.S. Congress—and that is what we are talking about—would not be fair to either the American taxpayer or to the Latin American countries, unless our policy makes clear, up front, that the U.S. taxpayers will not be required to furnish one nickel to support a program in Latin America which has demonstrably been a failure in the past. If any country is seeking money from the American taxpayers for policies that are not shaped by practicality, then the U.S. taxpayers and certainly the U.S. Government, have no obligation or interest to provide economic assistance. Let us have a policy, not a feel-good, well-intentioned string of words. Good intentions will not feed a soul in Latin America. It will not create a single job.

To put it another way, if the recipient countries desire consideration from the United States and the U.S. taxpayers, they must be made to understand that the U.S. Government will consider only those programs which have a chance of alleviating the needs of the poor on a permanent basis. It is just as simple as that. If these countries want help, they should know that the United States will consider giving only the kind of help that works. We are not going to spend the taxpayers' money to bail out another socialist regime. We have done that since 1946. If any Latin American country does not want programs that will be effective, then it would be bad policy for our Government even to hint that we will consider any assistance whatsoever.

Let me conclude, Mr. President, and I will summarize as briefly as I can. It is bad policy for the U.S. Senate as well as bad policy for the Latin American countries that we say we want to help, to adopt policy statements which are not tied to specific programs within the overall framework of a foreign aid program. If we do that, we just shovel out money recklessly. Right now, the Senate, the House, and the administration, have been working for several months on broad reforms in the goal and structure of foreign aid. For the Congress to enact any piecemeal legislation that does not take into account the overall foreign aid reform effort is, in my opinion, wasteful and self-defeating.

AMENDMENT NO. 241

(Purpose: Relating to the enactment of difficult economic reforms by Central American governments)

Mr. HELMS. Mr. President, in order to ensure the viability of the proposal in S. 100, I send to the desk an amendment to make certain that the U.S. policy supports the free market reforms which, in my judgment, happens to be the only proposal that will work, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself and Mr. SYMMS, proposes an amendment numbered 241.

On page 8, insert after line 14 the following new section:

(4) to assist the Central American governments in attaining the goal they have set for their countries of enacting difficult economic reforms necessary to achieve their stated, inter-related policies of stimulating productivity and investment, developing human resources, and reforming fiscal and monetary policies in order to allow the countries of the region to compete in world and regional markets, provided that such proposals meet minimum free market standards for creating economic conditions which will maximize the probability of a positive rate of return on investment on an after-tax, inflation-adjusted basis for domestic and foreign investors alike, conditions historically characterized by—

(A) privatization of state-owned economic entities,

(B) establishment of full rights to acquire and hold private property, including land and the benefits of contractual relations, taking into account the recommendations of "The Presidential Task Force on Project Economic Justice",

(C) simplification of regulatory controls regarding the establishment and operation of business,

(D) dismantlement of wage and price controls,

(E) removal of trade restrictions, including restrictions both on imports and exports,

(F) liberalization of investment and capital, including repatriation of profits by foreign investors,

(G) tax policies which provide incentives for economic activity and investment,

(H) establishment of rights to own and operate private banks and other financial service agencies, as well as unrestricted access to private sources of credit; and

(I) access to a market for stocks, bonds, and other financial instruments through which individuals may invest in the private sector.

The PRESIDING OFFICER. The distinguished senior Senator from Idaho.

Mr. SYMMS. Mr. President, I rise to support the Helms amendment and after looking through this legislation I suppose that a Senator might ask the rhetorical question: Is this really the proper role of the Congress?

If you look at the Constitution, as we all know, the President is in charge of policy while Congress is in charge of the purse. And the rhetorical question, of course, could be: Is this trespassing on the constitutional rights of the President to attempt to bind the United States with policy statements which are not related to specific restraint or expenditures?

Having said that, and that would not keep this Congress from moving ahead since we are going to move ahead with S. 100, it seems if we are going to set down a pattern of what we should be trying to export from the United States certainly I think the greatest thing that we have to export from this country is our ideas that have worked so well in our 50 States, in the laboratories of the 50 States, if you will, Mr. President. And that is, of course, a free enterprise economy because the mainspring of human progress has always been at times when people enjoy economic freedom.

So we have to ask what is the point of this legislation? If the point of legislation is to try to give some good help, good ideas, something beside just Uncle Sam's money—although when you read through the bill you find no specific actions in this bill either mandated or authorized and you really truly wonder whether it is truly the role of the Congress to lay down any policy divorced from action tied to the power of the purse.

Of course, the next concern I think Senators have to ask is: What is going to be the price tag invariably to this policy if it passes? How much money will we be sending to Latin America during the next 5 years? Are we going

to need $2 billion a year in financial aid, $850 million each of the next years after that, next 5 years and next many years, to what would amount to say $10 or $12 billion in the next few years?

If that is what we are talking about, then it would seem to me that if we are going to send our money to Latin America, Mr. President, then we should send it with some ideas attached to it that have worked in this country.

The bill specifically states that the United States should work in concert with Japan and our European allies and various multilateral lending institutions to provide the necessary funds. However, unless we state to Latin American nations up front that we will consider assistance only for projects and programs that have proven effective in the past, then the United States may very well be throwing U.S. taxpayers' dollars down the rat hole.

Another question I would ask, does the language in this bill imply that the United States will be responsible for the entire amount if Japan and our European allies do not come up with their shares? That is another question I think the Senate should ask.

I would hope that Senators would not automatically come to the floor and reject the Helms amendment before we carefully look at it to see just exactly what it says. I think in the past decade we have sent over $7 billion in economic assistance to Latin America as a whole and currently the region is undergoing one of the most severe economic crises in history brought about chiefly by corruption, inefficient social programs, and overregulation of the private sector by the Government.

That sounds strangely parallel to what is happening here in the United States. Each day the Congress meets and passes another noble piece of legislation to interfere with the producers of this country. Fortunately we have enough of a capital base that we have been able to sustain ourselves even longer than some of those great devotees of capitalism, like myself and others, have believed in. It has even sustained itself longer than I thought it would with the abuse meted upon it by the Congress of the United States. It might just well be one of the reasons why we should adopt the Helms amendment. There might be some place left in the world with capitalism, if it is destroyed here in this country by an all-too-willing Congress and oftentimes an all-too-willing administration to accept socialistic interfering regulations, bureaucracy and a negative bureaucracy that is the most antagonistic, I would say, in the United States, of any country in the Western world. But I might just say antagonistic to producers in this country.

So I think, Mr. President, that there is good reason why the Helms amendment should be supported, and I think there is good reason why Senators should ask questions about what we have done with the $7 billion we sent to Latin America in the last few years, and why it is we continue to keep sending money down the rat hole.

I say as one Senator, I would not object to sending the money to Latin America if it were promoting economic growth for the people, but not if it only supports state-owned socialistic enterprise such a bank nationalization, land reform, and export nationalization. If Latin America is to dig itself out of this current economic crisis, then what this country needs is advice and assistance designed to assist the private sector. And we need to be talking about free enterprise, economic freedom, and growth policies for those regions so they can grow.

The term "sustainable development" is another problem, and I hope my colleagues on the committee will give the Senate a definition of this before this debate is through this afternoon. It is my understanding that this term has traditionally meant the provision of seed money for a project that, once implemented, will become self-sufficient. Lately, however, this term has taken on a new meaning—development that is sustainable within an ecologically sound framework. If indeed the latter is the case, I would then ask the question rhetorically whether this does not constitute an unacceptable intrusion in the internal affairs of an ally.

I just throw those out for questions. But in light of the foregoing, Mr. President, it seems to me that S. 100 is clearly a declaration of good intentions and I, in no way, criticize my colleagues, and compliment them for their good intentions with respect to Latin America. However, Mr. President, as the former representative to the Pan American States said, a declaration of good intention's does not constitute a policy.

What I believe is needed to make this bill a realistic policy statement is to add the language that would define exactly what we mean when we use terms such as "the free market economy" and "sustainable development." Therefore, what the Helms amendment does—and I just want to repeat it; Senator HELMS has mentioned part of it but I want to go through part of it again for those colleagues who may have missed it—it will accomplish two purposes:

One, it will provide an effective benchmark for the United States to be able to judge the progress toward free enterprise so we can know when we allocate our assistance whether it is doing anyting, and whether we are making headway; and two, it would lay out in clear form the steps that the Latins need to undertake to achieve economic prosperity.

I do not say that to say that we know what is best. I think that the historical record of the United States, and the rest of the world for that matter, anyone who will examine our record will know that the times we made the greatest headway, the greatest economic development, and the people have advanced the most in the country in terms of living standard, health care, education, better life in general, have been times when we have had a maximum of economic freedom and a good environment for them to work in.

So the first point, as I refer to my colleagues who stand at the back of the Chamber, is privatization of State-owned economic entities.

Many Latin American Governments waste millions and millions of dollars needlessly because they are charged with running the power company, the telephone system, or the export business. It would be much more effective, from an economic standpoint, to put these businesses in the hands of the private sector, for two reasons.

First of all, it would generate revenue for the treasury when the entities are sold to investors from the private sector. So there would be an immediate cash infusion to these cash-strapped governments.

Second, it would transform such an entity into a profit making enterprise where there is a bottom line to be met and they can decide and determine whether or not they are operating accurately because they have the bottom line, they have the benefit of the market to tell them if they are doing a good job or bad job.

If a government runs an enterprise, they never know if they are doing a good job, Mr. President.

Once the directors of this newly privatized entity can start operating like a business, it will become productive and more money will be generated for the local economy. That means there will be more jobs for people, and people will have an opportunity to move upward through the ladder of economic progress.

The second point is the establishment of full rights to hold and acquire the private property. This is an essential point.

As Socrates wrote 3,000 years ago, "people pay most attention to what is their own." This is the fundamental basis a free market economy is built upon—private ownership.

It is interesting that in the Soviet Union recent polls taken of the Soviet citizens show that 58 percent of the people respond to polls that the one thing they want the most is the right to own private property. We joke in our State that the Soviet reformers today in the modern Soviet Union, which is about four or five generations or decades behind the rest of the Western World in terms of the economic development, the modern reformers say they want the Soviet citizens to own 60 percent of the land. In Idaho we are up to 35 percent. In Utah we are up to 33 per-

cent. In Nevada the people own 12 percent of the land. In Alaska, I think, a paltry 2 percent of the land. So we have a way to go even in this country.

But fundamentally the main reason the United States has done so well throughout our history is because of the right to private ownership. Here we are talking about a foreign aid program that does not really export the idea of the basic fundamental value of private ownership.

I would say, Mr. President, that if you compare the Soviet Union with the United States of America probably the one most significant difference in the development of these two countries has been the right of people to own property. You cannot separate people's human rights from their property rights.

As long as we support policies that promote state Socialism, or nonprivate ownership of property, we will be sending the American taxpayer's dollars down a rat hole and doing a disservice, I might add, to the people who live in these countries in Latin America who we wish to help so much.

The third point is simplification of the regulatory controls regarding the operation and establishment of businesses. It has been due to this overregulation that many would-be businessmen have simply decided not to enter the private sector because of the all of the red tape involved in setting up a business. A relaxation of these regulations would go a long way toward including individuals to get involved in the private sector.

I would say, Mr. President, while we are doing it for Latin America we ought to take a look at what we are doing here in this country so we do not run short of business people in this country that want to get in business.

The fourth point is a dismantlement of wage and price controls. This is one area where Latin American governments have spent millions and millions of dollars in subsidies in order to keep wages artificially high and prices artificially low. If these controls were eliminated, then wages and prices would fluctuate based on supply and demand.

Mr. President, I call the attention of my colleagues, Mr. President, to the fact that in 1948, after World War II, when the Marshall plan was under full effect in Western Europe and the economy in Germany was a shambles, but through the grace of God and maybe some good judgment on the part of some of our people, a man named Adenauer was named to be the Chancellor of West Germany. And so on Sunday afternoon, when all of the American State Department people were gone, and all of the rest of the bureaucracies from other countries, the conquerors of West Germany, Mr. Adenauer went on national radio and announced that all economic controls are hereby abolished. He abolished all price controls, all wage and price controls, in one fell swoop on a Sunday afternoon.

Do we know what happened, Mr. President? They had an economic miracle and Germany started prospering that Monday morning, and they have been prospering ever since. And I think it had more to do than anything that happened, more to do than the millions of dollars in the Marshall plan; certainly that money was important but what really was important was the market system was freed in West Germany. And it boomed.

Guess what happened in East Germany? I do not have to tell my colleagues in the Senate that, Mr. President. We all saw it when the Berlin Wall came down. The economic standard in East Germany barely progressed since 1948. Very little economic progress had been made where they kept all those controls, and in West Germany where they freed the market it boomed.

The same thing I maintain would happen in Latin America if we Americans would export the virtues of the humanitarian aspect of capitalism. That is what the Helms amendment is all about.

I suppose as conservative as Senator HELMS is—and I cannot speak for my good friend from North Carolina—he would be less inclined to be opposed to the billions of dollars we send overseas if we were exporting the virtuous ideas that go with American capitalism. Most of the billions of dollars we send overseas, Mr. President, we promote socialism. What does it get us? Nothing. What it does, it gets the people that live there nothing but waste and corruption and an inefficient economy, telephone systems that do not work, powerplants that do not work, bureaucrats that have to have payola before you can get anything through the system.

But in a capitalist system you cannot allow that to happen. You have a market working and you have a price to tell you. The distinguished occupant of the Chair knows that. He is a businessman himself. He knows the bottom line is the profit-and-loss statement tells us whether you are doing the right thing or wrong thing in business.

The fifth point, the removal of trade restrictions. Since most Latin American countries are not self-sufficient, they rely on exports to generate foreign capital reserves, while heavily discriminating against industries which are designed for domestic consumption. While this might help in the generation of capital in the short term, it is detrimental in the long term because the government has to spend more on price subsidies for goods produced domestically. The removal of these restrictions would go a long way toward balancing both interests.

In other words, it does not make sense to force people in some countries to spend $5 a bushel, or $6 a bushel, to grow grain when they can buy it from the United States for $3 or $4 a bushel. Let them do what they can do to be economically feasible and let their economies grow and not force this mercantilism on them by the state, the bureaucracies, the mercantilism that goes with the cozy arrangement between businesses and politicians for the very, very rich people in the society, the jet-setters of their societies who have plenty of money at the expense of the working people in those countries, who are so extremely poor, but give them an opportunity for entry into the market and a removal of subsidies from some of those interests and opening up of their trade they would find that their economies would grow.

The sixth point involves the liberalization of investment and capital. Again, this is a problem of regulation and discrimination against foreign investors. Because there is little or no domestic savings or investment, these countries have to rely on foreign investors. However, the regulations imposed upon them by the government, often including the nonrepatriation of profits, discourages such investment. Were these restrictions to be removed, then there would be an influx of foreign capital that would provide a seed for further development.

Senator HELMS was exactly right by having this particular point in there so people would be encouraged to invest capital in those countries and believe that they will have an opportunity to make a profit from that investment. What that will do is provide opportunities for the people at the lowest level of the economic ladder in those countries to be able to grow economically and to build a better life.

The seventh point is to establish tax policies which would provide incentives for economic activity and investment. Members of the middle class in most Latin American countries often find a significant portion of their income taken due to unfair tax policies. If these countries implemented new tax systems which were more equitable, then domestic saving and investment could be encouraged.

That is not that complicated, Mr. President. It is actually very simple. It is hard to accomplish, but it is not that complicated to understand. But we will never accomplish it if we just helter-skelter continue to shovel the money out to Latin America with no encouragement or enhancement for them to develop into a strong market oriented economy.

The eighth point is the right to own and operate private banks and other financial service agencies as well as an unrestricted access to private sources of credit.

Traditionally, Mr. President, Latin American countries have held a tight rein on the access to credit by private institutions and some countries have even nationalized the banking system. This has created a twofold problem.

One, governments oftentimes use access to credit as a political weapon against their opposition parties. People who participate in opposing the government—the government controls whether they can get a loan for their business or not. So they give their loans in cozy relationships to their buddies, their cronies. They develop cronyism and they develop a cronyist state capitalism, or fascism if you will, in some of these countries that have not developed economically. It only protects a few of the rich.

Second, the rates usually charged by state-owned credit institutions were usurious to the point that only the extremely wealthy could afford to pay the interest rates. The existence of private banks would eliminate those problems by making access to credit subject to the market forces, again, which would lower interest rates and reflect trends.

The ninth and final point, in summary of the Helms amendment, is access to market for stocks and bonds and other financial instruments through which individuals may invest in the private sector. The exclusion of private individuals from this market has tended to put all the assets of the private sector into the hands of the wealthy few. The development of such a program would allow individual investors and employers to purchase stocks and bonds in companies, thereby allowing them to participate fully in the decisions of the company and have a stake in its success.

These nine points, in my view, constitute a minimum standard of a market economy. I cannot imagine how the Senate could reject this amendment. If we reject this, then the message to the Latins would be they could continue with the failed Socialist economic policies of the past and the United States would continue to pour in overly generous amounts of economic assistance.

This amendment requires a very simple decision: Whether the U.S. Senate supports the principles of the free market which has shown to work in the past, or the failed socialism which so many have vigorously rejected.

Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

(Mr. DODD addressed the Chair.)

The PRESIDING OFFICER. The manager of the bill has a question?

Mr. DODD. Mr. President, I ask unanimous consent there be no second-degree amendments to the Helms amendment.

Mr. SYMMS. Mr. President, if that is the case, I withhold my second-degree amendment.

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

Is there objection to the request of the manager? Without objection, it is so ordered.

The distinguished senior Senator from Connecticut.

Mr. DODD. Mr. President, today the Senate is considering S. 100—the Central American Democracy and Development Act—a bill authored by our distinguished colleague from North Carolina, Senator TERRY SANFORD.

Like it or not, this country has been deeply involved in the policy of Central America for decades. The forces of history have conspired to make it so. From the departure of the Spanish Conquistadors in the 1820's, to the fall of Somoza in the 1970's, to the ouster of Noriega in 1989, we have, sometimes for better, sometimes for worse, left our mark on the nations of Central America, both individually and collectively.

In the not too distant past, I believe that our policy with respect to the region was often misguided. It served to remind us of another day, another time in U.S. history. It sought to resurrect the ghost of Admiral Mahon and the era of gunboat diplomacy. It attempted to justify a flawed policy in the name of the cold war and East-West confrontation.

Fortunately, something quite remarkable began to happen in 1987. Central America leaders decided the time had come for them to fashion a regional policy to deal with the conflict and misery which, for far too long, had characterized life in the region. Those efforts culminated in the Esquipulas peace plan which has been an inspiration for all of us who are concerned about the Central American region and our relationship to it.

The legislation before us today is about the nature and quality of a policy that will effect the lives of the 25 million people who call Central America their home. It seeks to articulate a policy that is consistent with the values, traditions, and aspirations which have helped to shape this country; a policy that sets forth standards which have the broad-based support of countries in the region as well as democratic nations throughout the world. This bill encompasses a coherent and effective policy for Central America.

The policy set forth here would seek "to encourage and support the Central American countries in their efforts to build democracy, restore peace, establish respect for human rights, expand economic opportunities through the achievement of sustained and sustainable development, and improve living conditions." This is a policy that will most certainly be welcomed and embraced by the leaders and by the people of Central America.

Mr. President, I am not one of those who shy away from involving the United States in the affairs of this hemisphere, whether in Mexico, the Caribbean, Central America, or South America. We live in this neighborhood. We are involved.

The issue is the nature of our involvement, whether it promotes our interests and the interests of the region. This is why the Sanford bill has my full support, it serves our mutual interests in a region of the world that is important to us.

Mr. President, in order to expedite this debate, if I could, I would like to just take a couple of moments to offer my highest possible praise to the junior Senator from North Carolina [Mr. SANFORD] for what has been a remarkable labor over the last 4 years now. Senator SANFORD, at his initiative, commenced a commission which included more than 47 individuals, people from the United States, from industry, from academic institutions, from nonprofit organizations; people tremendously knowledgeable about Latin American politics, and economics. Numerous leaders from Central America and other nations, all of whom brought special knowledge, awareness, and expertise regarding Central American policy.

It was a tremendous effort, Mr. President. In fact, it was an effort that culminated in a 150-page report of its findings—a report which one should read in the context of the legislation being offered.

I would suggest to my colleagues that rarely have we seen an individual, a Member of this body, willing to take on the Herculean task of bringing together so many different elements with disparate points of view—conservatives, progressives, members from the private sector, from the public sector—to try to analyze as effectively as they could what things ought to be done for Central America—a region with a painful and tragic history dating back more than a decade—what ought to be done in order to improve the quality of life from both an economic and political standpoint.

Of course, the Commission concluded that democracy obviously is the key. Democracy in the sense of open institutions, individuals freely elected by the people of these nations. These things are the underpinnings and foundation on which any future must be considered. The Commission made some very strong recommendations in that regard.

Second, while the legislation does not enumerate in detail the various economic policies Central American governments ought to adopt, the report does. The report discusses at some length the various initiatives, many of which the Helms amendment includes. I will quote, Mr. President, from page 7 of the report:

Central America should expand and diversify its export products and markets. Disincentives to trade should be removed, and governments should reduce distortions that prevent the efficient allocation of investment.

It goes on:

Efficiency and equality can also be enhanced by profound reforms of tax systems, the liberalization of financial policies, and the reduction of governmental inefficiency and overextension.

It continues on pages 8 and 9 as well, enumerating many of the things the senior Senator from North Carolina asked to be included in this legislation.

For those who are concerned about whether or not this legislation is somehow embracing socialist economic policies, I merely urge them to turn their attention to this report. The report addresses in great detail all of the various economic theories and ideas for addressing the economic situation in Central America. It seems to me that such detail is more appropriate for a report than for the legislation.

So, by reviewing this report, we can, of course, see that this Commission, over 2 years, did consider and include many of the ideas the senior Senator from North Carolina is asking us to accept with his amendment here today.

The legislation of the junior Senator from North Carolina is endorsed and supported by some 33 Members of this body, almost equally divided between Republicans and Democrats, conservatives, liberals, moderates, covering the wide spectrum if you will of political thinking in this body. It is a testimony to his hard work, bringing together as diverse a constituency as that Commission included, and embracing all of the various ideas and thoughts that ought to be included. It was well thought out, well-constructed after good debate. This is clearly evidenced by this approximately 150-page report that enumerates the various ideas and suggestions necessary.

This is not just some idle piece of legislation; not just some "feel good" legislation. For the first time we are seeing a real blueprint. So we do not do what the senior Senator from North Carolina has suggested; that is just dump millions of dollars of aid, year after year, in countries without considering and thinking about the political, social, and economic institutions that they ought to embrace. Issues such as have been suggested by the senior Senator from North Carolina. He is right. As the junior Senator is equally so.

These are the kinds of things we believe will make a difference. But, frankly, the report enumerates those ideas in some complexity here, which is really the proper place for them.

Mr. President, I want to conclude by again commending the junior Senator from North Carolina for the stellar work he has done, not only for the people of Central America but, far more important, for this country. In outlining a framework, through this legislation he will establish a structure by which we can start to talk about economic development, meaningful democracy for these nations, and hopefully prosperity and hope for the people of Central America who have been subjected to dreadful conditions for far too many years. I urge the adoption of this legislation.

With all due respect to my good friend and senior Senator from North Carolina, I urge that his amendment be rejected with the understanding that much of what he has suggested has been recommended by the Commission's report that has been filed with the Foreign Relations Committee as an addendum to the legislation considered today.

Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The senior Senator from North Carolina.

Mr. HELMS. I thank the Chair. Madam President, first of all, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Second, I ask unanimous consent that the distinguished Republican leader, Mr. DOLE, be added as a principal cosponsor.

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

Mr. HELMS. Now, Senator DODD is my friend. He was easy on me. He says that the provisions of my amendment are incorporated in the report language.

As everyone knows, report language is not worth a bucket of warm spit.

Let me ask the Senator from Connecticut, who is my friend, do you object to the insistence upon privatization of State-owned economic entities as a condition for giving foreign aid to Latin American countries?

Mr. DODD. Not in every case. Ideally——

Mr. HELMS. Excuse me?

Mr. DODD. I would say not necessarily in every case, any more than we have 100 percent privatizations in this country. For example, we have public utilities in a number of States. They are not privately owned. But they do a very good job, and operate efficiently. Some might argue, for instance, that we made a horrendous mistake when we decided to break up ATT and suddenly saw the emergence of a lot of private companies running around. Some might argue that we had better phone service under a regulated monoply. Certainly, we have seen instances where oil, gas and electrical utilities, in various States, have worked.

I would say a blanket proposal in all instances, in every single case, that privately owned utilities are always the best and most efficient form of production is a statement that would be difficult to make in this country, let alone in Latin America.

In many cases private companies are the most efficient and cost effective way to conduct business. In Argentina, we are seeing where a policy of privatization is underway. As as philosophical point, you have to be careful embracing it across the board and suggesting in every single instance that 100 percent privatization of all industries ought to be a requirement for foreign aid. As we all know, publicly owned institutions have served our constituents throughout this country very well over the years. I do not know what the conditions are particularly in North Carolina, but in my own State, public utilities have done well.

Mr. HELMS. Did the Senator from Connecticut vote for the SEED legislation in Eastern Europe?

Mr. DODD. I did.

Mr. HELMS. All nine of these provisions were included in that legislation word for word.

Mr. DODD. I said I saw that was the case. In addition, I might note that in the SEED legislation there was direct aid, involved. The SEED legislation was not just a statement of policy, but also involved a specific commitment of U.S. dollars.

Mr. HELMS. What, then, is this legislation? The bill says it is U.S. policy "to provide additional economic assistance to Latin America in the future."

Mr. DODD. The pending legislation does not contain any specific foreign aid authorization. It sets forth a general framework by which we may consider future assistance requests.

The bill also embraces the Enterprise for the Americas initiative, which I think is an excellent proposal by the Bush administration, dealing with debt, foreign investment, and trade.

This is a very good initiative.

This pending legislation, which I am sure my distinguished friend from North Carolina knows, is supported and endorsed by the Bush administration, in particular the Agency for International Development and the State Department. They think it contains very, very good ideas.

These are some very real distinctions between the SEED legislation and S. 100.

Mr. HELMS. You have no objection to the implementation of this insofar as Eastern Europe, is concerned?

Mr. DODD. No; I had some concern——

Mr. HELMS. I am trying to figure out what the Senator is saying. What is the difference?

Mr. SANFORD. I wonder if the Senator will yield and let me point out——

Mr. HELMS. I will yield to you in just a minute. I want the Senator from Connecticut to answer the question.

Mr. DODD. The distinction is the SEED legislation specifically provides direct aid. S. 100, has no foreign aid component. It does not ask Congress to approve any funding for Central America. This bill is very worthwhile; more than what the distinguished senior Senator from North Carolina suggested it might be worth.

Certainly, we have seen a number of reports whose conclusions have had a real impact on policy. Basically, the conclusions of the Commission's report are the same as were included in the SEED assistance. Let me read. It says:

The President should ensure that the assistance provided to Eastern European countries pursuant to this act is designed to contribute to the development of democratic institutions and political pluralism characterized by the establishment of fully democratic and representative political systems based on free and fair elections, effective recognition of fundamental liberties and individual freedoms, including freedom of speech, religion, and association, termination of all laws and regulations which impede the operation of a free press and the formation of political parties, creation of an independent judiciary, and establishment of nonpartisan military, security, and police forces; to promote the development of a free market economic system characterized by privatization of economic entities, establishment of full rights to acquire and hold private property, including land and the benefits of contractual relations.

And it goes on to enumerate some of those particular points.

Certainly, if you read the Commission's report, many of those things are included. I would note that the SEED legislation uses the phrases "to promote," and "designed to"—I think that language is certainly loose enough to suggest that, for instance, if for whatever reason, the Government of Hungary decided to operate its electrical lights in Budapest through a public utility rather than a private one, we in this body would not deny aid to Hungary, nor would the SEED legislation mandate it.

Are we going to say to the people of Poland, if they decide they are going to have a public mass transit system in Warsaw, that we are not going to provide any help to them——

Mr. HELMS. Madam President, I am going to regain the floor.

Mr. DODD. I want to answer my colleague. I think it is important.

Mr. HELMS. Will we conclude before 5 o'clock?

Mr. DODD. We will. I want to make the point that in allowing these countries some flexibility in deciding how they are going to reform their economies, certainly my colleague from North Carolina would not say cut off all aid to Poland because it has a mass transit system publicly owned.

Mr. HELMS. Will the Senator tell me which of these nine will cut off mass transit?

Mr. DODD. Privatization of State-owned entities.

Mr. HELMS. We are talking about banks.

Mr. DODD. That is——

Mr. HELMS. Economic entities.

Mr. DODD. Now you are getting more specific here. So you are in favor of public transportation, public utilities in these countries?

Mr. HELMS. In most countries, they are a fact. Are you in favor of insisting upon the establishment of full rights to acquire and hold private property?

Mr. DODD. Absolutely. I think that is included in the report language here.

Mr. HELMS. Why not put it in the language of the legislation?

Mr. DODD. As I say, it is included.

Mr. HELMS. No, it is not.

Mr. DODD. This approach, I would say to my colleague, gets far more specific than is really necessary.

Mr. HELMS. That is the Senator's opinion. I still have the floor?

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

The PRESIDING OFFICER. The Chair clarifies that the Senator from North Carolina has the floor.

Mr. HELMS. I thank the Chair. Yes, I yield for the purpose of a question.

Mr. SYMMS. I will ask the Senator, the distinguished author of the amendment, but I also ask through him to the distinguished manager of the bill: Do the Senators agree with my premise that when Adenauer was named as Chancellor of West Germany, that that is when the economic boom started?

And I wonder if my colleague from Connecticut would not agree with me that when they freed the economy in West Germany in 1948, that is when the boom started?

Mr. HELMS. I sure do.

Mr. SYMMS. Does the Senator agree with that?

Mr. DODD. Since my colleague has asked me a question, let me also——

Mr. SYMMS. Of course, you were very young in 1948.

Mr. DODD. It made a great deal of sense, and I strongly support that.

Let me point out one fundamental distinction here, if I may, between what is included in the Sanford bill and what the distinguished senior Senator from North Carolina proposes.

The language in the SEED legislation, which the Senator from North Carolina has said he is tracking said, "The President should ensure." That language is permissive, Madam President. Whereas in the Helms amendment, the provision includes the phrase "to assist the Central American Governments, provided that." That is mandatory.

Mr. HELMS. By George, I think you have it.

Mr. DODD. There is a fundamental distinction between the two propositions. The SEED legislation says this is what we would like you to do. Certainly, that would be fine. In the senior Senator's language, he says you must do these things. I think, frankly, that is going a bit far.

Mr. HELMS. In order to spend the American taxpayers' money, I think it is reasonable. Does the Senator object to that?

Mr. DODD. Yes; I think that is going too far.

Mr. HELMS. Now we are beginning to delineate.

As a matter of principle, the Senator has not indicated that he disagrees with any of the points 1 through 9.

Mr. DODD. No, except they go, as the Senator says, into the privatization areas he is talking about——

Mr. HELMS. We have covered that. Which specific points does the Senator not like?

Mr. DODD. Certainly the whole idea of promoting private property ownership is something I would like to see. However, the Senator from North Carolina has opposed some of the Latin American land reform measures over the years that would have allowed property to be distributed to smaller farmers in those regions.

Mr. HELMS. Since I have the floor, let me say that I warned the Senator from Connecticut and others back when all of this foofaraw about land reform in El Salvador was taking place that it would not work, and today not one farmer has gotten title to any land in El Salvador. It has been a complete flop.

Mr. SYMMS. Will the Senator yield for further comment?

Mr. HELMS. Yes.

Mr. SYMMS. Not only that, the people who owned the property were given worthless paper.

Mr. HELMS. Exactly.

Mr. SYMMS. It is a little different when it is confiscated.

Mr. HELMS. It is a flop.

Mr. SYMMS. That is why it failed.

Mr. HELMS. Right. I understand the Senator is doing the best he can to defend the position of my friend and my distinguished colleague from North Carolina. He has said that he does not object to anything in my amendment in principle. Now, I just hope that the Senate will stop this business of rising above principle. Either we mean something or we do not. If this amendment is made a part of the bill, we will be telling the American taxpayers, first of all, that they will not be required to furnish any money to support a socialist government in Latin America. That is it, pure and simple. And we spell out nine provisions. That is all my amendment does.

The Senator says, "Oh, well, the provisions of your amendment are in the committee report." Big deal. Nothing will be done unless they are included as part of the bill. I say that if the U.S. Congress is going to continue to require the American taxpayers to cough up billions of dollars to send to foreign countries, at least there ought to be

some guarantee that the taxpayers are not supporting a socialist government which is oppressive to the people. That is it, pure and simple.

Now, Madam President, did we get the yeas and nays on the Helms amendment?

The PRESIDING OFFICER. Yes.

Mr. HELMS. I yield the floor. I thank the Chair.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

ATTACKING THE PRESIDENT

Mr. SPECTER. Madam President, the issue which is presently on the floor involves free trade with Latin America. That may be a tenuous connection for what I am about to address. Nevertheless, I have been waiting on the floor all day to try to find a moment to reply to charges leveled yesterday by Congressman GEPHARDT against President Bush.

Yesterday, on the floor of the House of Representatives, Congressman RICHARD GEPHARDT claimed that President Bush, without a shred of evidence, is accusing the opponents of his trade policy of engaging in racism.

This, Madam President, is precisely what Congressman GEPHARDT said. It appears at page 10754 of yesterday's CONGRESSIONAL RECORD.

> President Bush let the graduates of Hampton University and all of us down yesterday when, without a shred of evidence, he accused opponents of his trade policy of engaging in racisim.

Madam President, I have closely read the entire speech of President Bush. I ask unanimous consent that at the conclusion of my remarks it appear in its entirety in the RECORD.

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

(See exhibit 1.)

Mr. SPECTER. The only comment which President Bush made which was cited by Congressman GEPHARDT was at the end of a paragraph which reads as follows:

> And our future depends on trade. We've asked Congress to extend the fast track trade procedures that presidents have been able to use since 1974. Without fast track, we will have trouble moving foward with critical trade initiatives, including the Uruguay Round of the GATT talks, North American Free Trade Agreement and the Enterprise for the Americas Initiative. Unfortunately, some of the opponents of free trade have resorted to slurs against our Mexican neighbors in the hopes of derailing fast track.

Madam President, it is based upon the last statement by President Bush that Congressman GEPHARDT has accused the President of engaging in racism. On its face, this asssertion is preposterous. All President Bush said was "Unfortunately, some of the opponents of free trade have resorted to slurs against our Mexican neighbors in the hopes of derailing fast track."

Congressman GEPHARDT also claimed that the accusation was unfounded evidence. However, the White House did provide comments from Secretary of Labor Lynn Martin, detailing the basis of the President's remarks.

The central point, Madam President, is that there was a very constructive speech made by the President, and what Congressman GEPHARDT has objected to here is that President Bush did not use the occasion of the speech, which was, as Congressman GEPHARDT says, to "a predominantly black college," to talk about the civil rights bill.

Madam President, the President's speech was an important speech and entirely appropriate for a college commencement address, not that the President has to make explanations to anybody about what he wants to say. He started off by talking about the confrontation in international affairs. He moved on to discuss the educational system, mentioning the Head Start Program. He then moved into a discussion about housing reform, then taxation, and then about free trade. Simply stated, he talked about matters of enormous importance of college graduates. His comments were appropriate for, as Congressman GEPHARDT calls it, "a predominantly black college." I for one would not choose to characterize any audience. All audiences at a commencement are audiences of students and parents. They are all audiences of Americans. They ought to hear whatever the speaker decides to talk about. Whether he or she is the President of the United States or anyone else, without being subjected to this kind of ridiculous criticism.

But President Bush did say this of special importance, "We must free people who have been held back by barriers of discrimination." President Bush continued:

> The programs that I've discussed today give every American, rich or poor or middle class, white or black or brown, a fair chance to pursue his or her destiny. And they try to harness the engine of ambition in service to the common good. They do not divide people along race or class lines; they give everyone a shared stake in everyone else's success.

The President went on to say:

> We have a chance to rekindle the kind of optimism that characterized the civil rights movements of the 1960's—one in which men and women of all races and backgrounds joined to pursue goals that we all hold dear: opportunity, prosperity, justice, freedom, tolerance.

So if you are looking for something appropriate for a speech in front of which Congressman GEPHARDT would characterize "a predominantly black college," the President had plenty of that in his speech.

Congressman GEPHARDT then accuses the President of inappropriate conduct in vetoing the civil rights bill of last year and says that this is not the first time George Bush has used the politics of racial resentment. "Who can forget some of the tactics of the 1988 campaign." He goes on to talk about the Civil Rights Act. I know from personal experience that President Bush was deeply interested in securing passage of a civil rights bill. I disagreed with the President on his position and was one of the leaders on this floor last year in trying to pass the civil rights bill over the President's veto.

However, I know the President was sincere in wanting the civil rights bill because he called Senator DANFORTH of Missouri, Senator JEFFORDS of Vermont and myself into his office and asked us to work for a civil rights bill. He talked to us repeatedly, including one long Sunday night telephone conversation with me when he was in the midst of the problems with the gulf war. He tried very hard.

He did not agree with ARLEN SPECTER; he did not agree with RICHARD GEPHARDT. But that does not mean his motives were biased or that he was trying to scuttle the Civil Rights Act.

I think that the President was really on target when he said in a speech at the University of Michigan, I believe it was, that "we must conquer the temptation to assign bad motives to people who disagree with us."

I believe that when Congressman GEPHARDT takes the floor of the House of Representatives to deliver a well-prepared speech which drew considerable attention in the New York Times and the Washington Post that there ought to be a reply. When Congressman GEPHARDT makes a statement that President Bush—he calls him George Bush in the statement—uses "the politics of racial resentment," he treads perilously close to a charge of racism. In fact, I think it really crosses the line.

I do believe that this kind of charge has a place other than in the CONGRESSIONAL RECORD and on the floor of the U.S. House of Representatives.

I made this without consultation with anybody at the White House because I think that we ought to move ahead on the substantive issues. How anybody could conceivably say that the comments of the President constitute racism is absolutely bewildering.

I think I have taken up a relatively small amount of time, Madam President, in the midst of this debate. I think this is something which needed to be said. I thank the the Chair. I thank my colleagues.

I yield the floor.

EXHIBIT 1

ADDRESS BY THE PRESIDENT AT HAMPTON UNIVERSITY COMMENCEMENT, MAY 12, 1991

The PRESIDENT: Thank you very much. President Harvey, Senator Warner, and Congressman Bateman, and members of the University administration, and especially the Class of 1991. (Applause.) May I thank the class president, Carvel Lewis, for his re-

marks; pay my respects to the faculty, and to Mr. Dillard and this magnificent choir.

My first exposure to music at Hampton was in the year either 1935 or 1936, when one of your predecessor singing groups came to Eastern schools. And this is a magnificent tradition of Hampton.

And let me say to those who graduated 50 years ago, you don't look so old to me. [Laughter.]

One of the pleasures of coming here is getting to know your university president better. You know, President Harvey is an avid tennis player. Really avid. When I shook his hand he corrected my grip. [Laughter.]

At any rate, it's a real pleasure to join with you today I'm the ninth President to visit your campus—and I might say that eight of them have been Republicans. [Laughter.]

Hampton is an elite institution. It boasts the largest endowment of any historically black college or university in the United States. Its graduates contribute daily to our national progress and national well-being. Patricia Stevens-Funderburk, Hampton '71, whom you honor today, serves in our Department of Health and Human Services. Patricia, congratulations to you for this fine award. [Applause.]

As President Harvey said and Carvel said, you all will make your marks in the world. And today I'd like to talk about the new world that you will enter—a world no longer divided by superpower confrontation, but engaged in economic competition and international cooperation.

You in this magnificent Hampton Roads area understand this world better than most. More than 100 firms in this region conduct business beyond our borders. And when many of you leave this university, you'll look to distant shores, places where you hope to spread American ingenuity—your ingenuity.

You ought to be excited about your opportunities. I know that I am. We stand on the verge—if you look around the world you'll understand this—we stand on the verge of a new age of freedom. If we build upon our strengths, if we join hands as a people, we will build a nation and a future unlike any ever seen in human history.

Our first and greatest strength, of course, is our intelligence, and our greatest tool for developing that strength is our educational system. But we have to be honest with ourselves: Contrary to your tradition of excellence, our educational system as a whole has slipped in recent years. Test scores continue to fall. Dropout rates soar in many of our school systems. Businesses complain that some high school graduates don't have the basic reading, writing or math skills. And meanwhile, our elementary and high school students don't compare well to those in other industrial countries in math, science, and even in American geography.

We've got to do better. We ought to improve our schools the old-fashioned way—through commitment and competition. Our America 2000 strategy tried to make a quality education available to every child and every citizen who wants to learn. We have challenged Americans to reinvent the American school—not to improve it, but to reinvent it—not by turning the task over to experts in Washington, but by inviting a nationwide competition to create better schools.

The concept of choice—letting parents choose schools for their children—plays a role. Its time has come. Polls show that 62 percent of the American public favor choice, and 72 percent of minority Americans advocate choice in the schools.

This should surprise no one, because choice means hope. It lets children from poor neighborhoods enroll in the same schools as our children from wealthier ones. It gives parents the freedom to find good schools for their sons and daughters. It frees students from the tyranny of inadequate education.

We've encouraged communities and businesses to roll up their sleeves and help; communities, by taking on crime and hunger and other disturbances that make it almost impossible to learn; businesses, by contributing expertise to local schools and by developing education programs at the workplace. You've set a great example right here with Hampton Harbor. You've built a successful commercial-residential area, and you're turning the profits into student scholarships.

We remain committed to such programs as Head Start, which help prepare young students for school. It works. As long as I'm President, it will be adequately funded and it will keep on working. (Applause.)

The business of education is the business of creating a better world. A good education lets you see possibilities you would never have imagined before, and reach them. But education is also a commitment of labor of love.

I recently got a letter from an Army sergeant serving in Saudi Arabia. He talked about his daughter. And he wrote, "I am very proud of her and would like for her to know this: I am thinking of her even as I sit in the Gulf, serving my country."

Nilka Bacilio, who will receive a Bachelor of Science from the School of Education and Liberal Arts, with honors in Therapeutic Recreation—your dad says, "Hi." (Applause.)

Other parents here have written me, and I want to thank you all. Nothing is more natural, no feeling more fulfilling than having pride in your kids. And when I talk about educational choice or educational reform, I always remember a crucial truth: We can't go anywhere without the support of the people who love us, who believe in us. And if there is any advice I can give today, it is this: Cherish those who give you this kind of lift, and return the favor whenever you can. (Applause.)

Speaking of educational excellence, let me pause now to honor Dinee Riley, who has achieved the highest grade point average of anyone in this class. (Applause.) It is my privilege and honor to hand her her diploma—a biology major, 3.95. (Applause.) What a magnificent record. Dinee, you and your classmates should be proud of your acccomplishments. And now comes the challenging part, making use of knowledge once you get out of school.

As a nation, we must give everyone a chance to make full use of their imagination and intelligence. Our administration does this by trying to remove barriers to progress. We want to free people now trapped by self-doubt and despair.

We've put together an ambitious housing reform package. We call it HOPE, which extends the dignity of home ownership to people who live in public housing communities. The idea is simple: Give people assets; give them permanent wealth, not just consumable scraps of paper; offer people independence; don't hold them in the bondage of dependency. HOPE offers an ethic of encouragement. It encourages people to take an active part in building better lives for themselves, for us all.

(We must free people who have been held back by barriers of discrimination. This administration will fight discrimination vigorously, because a kinder, gentler nation must not be gentle or kind to those who practice prejudice.) (Applause.) We must free people bound by red tape and unnecessary regulation.

Last year, Americans devoted 5.3 billion hours to filling out regulatory paperwork—5.3 billion hours at a cost to the economy of $185 billion; and this can't continue.

We must free people from the specter of punitive taxation, which takes money that might otherwise buy a home, pay for a child's college education or establish a family nest egg. The controversial budget agreement that we signed last year restrains the growth of federal spending. It offers hope that workers in the future will be able to spend less time working for their tax collector and more time working for their families.

We must free people to create the next great invention. Our administration repeatedly has sought a cut in the capital gains, a tax on the wealth that you will create. That tax is a tax on ideas, on innovation, on the American dream.

But mainly, we must free ourselves from doubt. We must free ourselves from fear. We can't afford to hide from the rest of the world by erecting protectionist walls. If we want to learn, we have to compete. If we want to test ourselves, we have to compete. And if we want to take full advantage of all the world's diverse cultures, ideas and innovations, we have to compete. Our future lies in the world economy.

Last year, exports accounted for 84 percent of our economic growth. Between 1986 and 1990, our exports to the rest of the world increased 73 percent, and exports to our major competitors grew even more; to Germany, 80 percent; Japan, 82 percent; the European Community by 87 percent. We exported $673 billion in goods and services last year.

And our future depends on trade. We've asked Congress to extend the fast track trade procedures that presidents have been able to use since 1974. Without fast track, we will have trouble moving forward with critical trade initiatives, including the Uruguay Round of the GATT talks, North American Free Trade Agreement and the Enterprise for the Americas Initiative. Unfortunately, some of the opponents of free trade have resorted to slurs against our Mexican neighbors in the hopes of derailing fast track.

I can think of no more revealing contrast between a free-enterprise view of the human community and the protectionist view. Prejudice is usually nothing more than a breed of cowardice. People afraid to test themselves, or to risk challenging their assumptions hide behind restrictive laws and restrictive walls.

If we want to lead the post-Cold War world, we must not build walls of prejudice and doubt. We must involve ourselves in the world around us. We must build ties of mutual interests and affection everywhere. And the same sentiments ought to guide us at home. In the end, prosperity requires trust. You cannot build a business if you spend all your time worrying about being cheated or conned or attacked. True brotherhood represents the key to happiness and growth.

The programs that I've discussed today give every American, rich or poor or middle class, white or black or brown, a fair chance to pursue his or her destiny. And they try to harness the engine of ambition in service to the common good. They do not divide people along race or class lines; they give everyone a shared stake in everyone else's success.

We have a chance to rekindle the kind of optimism that characterized the civil rights movement of the '60s—one in which men and

women of all races and backgrounds joined to pursue goals that we all hold dear: opportunity, prosperity, justice, freedom, tolerance.

So today, you assume responsibility for shaping an international commonwealth of freedom. Believe in yourselves. Trust in yourselves. Don't abandon your passion for ideas or causes. Work hard, but serve your community. Attend to the thousands of tiny deeds that constitute a good and decent life, treat yourself well and respect others. Be a point of light. Build a truly good society.

To you, and to the friends and especially the families who have supported you over the years, congratulations. Thank you for letting me share in your commencement exercises. And may God bless you and God bless the United States of America. (Applause.)

CENTRAL AMERICAN DEMOCRACY AND DEVELOPMENT ACT

The Senate continued with the consideration of the bill.

Mr. SANFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SANFORD. I ask for the yeas and nays on final passage of S. 100.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SANFORD. Madam President, I will be very brief. I believe, when I finish, the other side is ready to proceed with the vote on the amendment, and then on final passage.

The distinguished Senator from North Carolina, my colleague, has presented an amendment that on the face of it, states fairly sound principles we would like to see governments generally follow, but not necessarily. For example, he would require in this amendment the dismantlement of wage and price controls, which is something that may very well be needed in those particular economies. He would require the removal of trade restrictions, including restrictions both on imports and exports.

I will not go any further, except simply to say that he and I have joined together to maintain trade restrictions on textiles now for all the years that I have been in the Senate. But that is not the main point. My main point is that this approach is entirely different from the SEED I, where we were setting up a policy, providing money, and then laying out the terms. S. 100 does not do that at all. It simply commends the Central American Presidents for the adoption of their own development bill that is based on their own development study.

The thing that needs to be remembered about this study and about this bill is that this international commission studying the development prospects of Central America represents the first time in history of these nations that they have had a development bill drawn up primarily by citizens of Central America. It was not something that we got up here and called the Alliance for Progress and gave to them. Here, for the first time, they have drawn up their own blueprint for free enterprise, their own blueprint for prosperity and economic growth. It is their plan.

The purpose of S. 100 is to say we, the United States, are going to stop handing you the details of plans. We are not going to draw up the blueprints and place them in your hands. We are going to treat you as a partner. It uses that language specifically. The whole idea behind this bill is that it says to Central America, we have confidence in you. We have watched you come now from dictatorships to shaky interim governments, to five freely elected democracies. We are proud of that accomplishment that means much to the stability of our hemisphere.

A couple of weeks ago I took 15 business people from North Carolina down to Central America. Efforts are being made to get their economies on a strong market basis. We saw that you can buy a powerplant down there, you can buy a telephone company, and you can buy a cement plant—they have them all up for sale. They are attempting to move as much business as possible back to the private sector.

You will also find in Nicaragua the first extensive piece of legislation in Central America that provides for a wide-open and free banking system. This is a marked contrast from the rather successful banking system in Costa Rica, which is 94 percent owned by the state, or at least 94 percent of the banking is done by the state bank.

So they are moving. They are moving very deliberately and I think with a great deal of planning, and with wisdom toward a free economy. No one who has visited can doubt that is the case.

What I do not want to do, and what I did not want to say is that we are going to tell them how to go about their free enterprise, or how to go about their democracy. The people of the Central American countries have fought, bled, and died for free enterprise. They brought their countries back around and are moving in the right direction.

S. 100 gives encouragement to that type of movement. It would be entirely contrary to the very purpose of S. 100 to amend it in a way that does the very thing the rest of the bill says we are not going to stop doing. We are not going to tell Central America that you have to do all of these things or we will not speak to you.

They are free, independent countries. If we want to, at some point in time, if we provide any substantial aid, we can place any kind of restrictions we want on it. But right now that is not the purpose.

Senator HELMS and I had a good friend named Kerr Scott who served in this body. And one of his stories, I remind my senior colleague, was about a piece of legislation that someone had. Kerr Scott said this legislation reminded him of when old Henry Warren was cleaning a fish. He had that fish, he had a knife, and the fish was wiggling. He said, "Hold still little fish, I ain't going hurt you. I'm just going to gut you."

I submit that this amendment would gut S. 100 because it is exactly contrary to the philosophy of the bill.

We have come to the place in time where I think we need to quit telling Central Americans in detail how to do their business, when it is very clear that they have voted their democracies in, and that they are headed toward market economies. We need to make certain that they continue on that path without the kind of domination and dictation that they have received from this country for over 100 years.

That is the purpose of the bill. Senator HELMS sees it differently. He would like to attach more strings to the legislation. I understand that. I simply say that that is not the purpose of S. 100 and it would indeed defeat the purpose of S. 100. But I am perfectly willing—having heard all of the arguments—to go forward with a vote on the amendment and then a vote on the bill.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. HELMS. Madam President, sure they are free and independent countries. I made that stipulation in my earlier remarks. All I am saying is that they have the choice; if they want the American taxpayers to cough up additional billions of dollars in assistance to them, then they have to meet certain criteria. If they do not want American taxpayers' money, they can continue along the lines of socialism, which now exist.

Let me point out on page 7 of the bill, line 13 says—this is the Sanford bill provision—"It is the policy of the United States," and so on, and it says what the policy is: "to provide additional economic assistance to the countries of Central America."

If we are going to dump more foreign aid down there, do not dump it in the laps of the people who are the problem in the first place. The American taxpayers are entitled to have these guarantees that their money will not be wasted and stolen by fraud, as has been the case in so many countries. They have the option, free and independent, sure. Let them make that judgment.

I think that 99 percent of the American people, when given the option of the Helms amendment, would say: Hang in there, Jesse. So that is all I am saying. Let us have some guarantee or change on this foreign aid the San-

ford bill says is going to be forthcoming in an additional amount on page 7, line 20. It is saying we are going to give you more money, and then it has all of the illusory ethereal comments about "should" and "would" and that sort of thing. I think, in protection of the American taxpayer, we ought to nail it down. I suggest that we go ahead and vote.

I yield the floor.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Madam President, briefly, before we vote, as our colleagues will be coming to the floor, I find it absolutely incredible that the majority would not accept this amendment. I cannot imagine going home to my State and talking to high school classes, like I did during this past recess break, and talking at town meetings, and people constantly ask the question: Why do we keep dumping this money down a rathole? My answer, usually, is—and you feel like you are repeating yourself—it would not be so bad if we were promoting an opportunity for those people to benefit and gain economically.

Look at what has happened, for example, in Taiwan. American aid certainly had a major role in helping Taiwan get its economic start. But they also had leadership in the country that recognized the virtues of the rule of law and private ownership and a market system and a convertible currency. They basically followed this kind of a pattern, and it has been a real miracle of economic success. South Korea has been a miracle of economic success. Japan has been a miracle of economic success. West Germany has been.

Why would this Congress not want to help our friends, our fellow Americans? They have lived their entire history with corrupt leadership; in many instances, mercantilism to the worst order, state-owned graft and corruption, where the way to do business is to have influence that you can buy from the local politicians.

All Senator HELMS' amendment does is say that we are going to privatize the state-owned economic entities, and we are going to establish full rights to acquire and hold private property. What Senator could be opposed to that?

Simplification of regulatory controls regarding the establishment and operation of a business. That is what we ought to be doing in the United States, if we want to continue being the leaders in the free world. If we do not, we are going to have a second-rate economy, and it is happening to us very fast because of an excessive regulatory activity going on in this country. At least, if we can get this done, maybe there would be someplace saying—regarding free enterprise—we can look and see how they do it there.

Dismantlement of wage and price controls. We have discussed this. This is in record after record. In this country we used to control the price of natural gas and petroleum. When President Reagan took office, he got rid of it. Guess what happened? The price went from $40 to $20 a barrel. During the war, it went back to $40 a barrel, and now it is back down. The prices have a way of working, if you free the markets.

Removing of trade restrictions. We know that would help those countries. They force people to pay excessively high prices to prop up inefficient industries that are government protected at the expense of the people in the country.

Madam President, we are talking about people—humanitarian opportunities for people. If we are going to deny them an opportunity to live in an economic system, why are we sending money down there to prop up corrupt regimes in many places?

Tax policies would provide incentives.

Liberalization of savings investment capital. Establishment of the rights to own and operate private banks and other financial service agencies. Private banks operating in a market system would have to be honest to stay in business.

Access to a market for stocks, bonds, and other financial instruments. How can a Senator oppose this? I hope the vote will be 100 to 0 in favor of the Helms amendment. If it is not, what kind of a message are we sending, not only to Latin America, but to the American people? Have we lost faith in the economic system that has been the engine of prosperity, that has driven the forces of freedom throughout the past 200-plus years of this country?

Madam President, I say that the Helms amendment is the least we can do. I also say that if we want to have a successful aid program—and Senator HELMS may have the answer to this, but if you add up all of the dollars that the United States spent on foreign aid, and the interest, it adds up to be a lot of money.

It is true that our foreign aid bill is not a big part of our Federal budget. But the sad part of it is that most of the foreign aid dollars that we send out of this country promote bankrupt, economically unsound, and in many cases corrupt, economic entities, because there is no market to measure their honesty, no accountability through a market system. That is why the Helms amendment should be added to S. 100, and then all Senators can enthusiastically support the bill, because then we would be doing something that would be helpful to our friends south of the border, who I remind my colleagues are fellow Americans.

I yield the floor.

Mr. SANFORD. Madam President, in response to the Senator, the message that we would send to the rest of the world would be the same message we sent after World War II, when we supported the Marshall plan. You will remember that the Marshall plan was not put together by Secretary Marshall. It was put together by the people of Europe. In fact, General Marshall said at a Harvard commencement exercise, "You come up with a plan, and we will try to help you."

S. 100 is a mini Marshall plan. We have said, come up with a plan and we will try to help you. I think that is the appropriate message. They came up with a plan, and I hope we will try to help them. I also hope this might set a pattern for others regions of the world.

I think we can be secure in the knowledge that the Central American countries believe in free enterprise and democracies. Democracies, in many cases, elected by so much toil and bloodshed. The message is they have developed their own, plan and it appears to be working. This is the reason I do not want to take away any of the valid points made except this is not the place for us to give that message.

I simply wanted to answer the question as I see it with the reason that I put this bill in.

Mr. SYMMS. Mr. President, will the Senator just yield for a question?

Mr. SANFORD. I yield.

Mr. SYMMS. The Senator will agree with me we should benefit from what happened historically and when the Marshall plan started really making headway is when economies were freed in Western Europe such as West Germany, such as Konrad Adenauer was doing. This is exactly what this calls for. I think we want to encourage that.

Mr. SANFORD. We do encourage it. We encourage it by leaving it to their initiative just like we left it to the initiative of Adenauer.

Now I am ready to vote if my distinguished senior colleague is.

Mr. BIDEN. Mr. President, I oppose the amendment by the senior Senator from North Carolina. Quite frankly, it is unnecessary. The bill before us today—the Central American Democracy and Development Act—already addresses the promotion of free market principles in the reconstruction of Central America.

Although similar language was included in the Support for East European Democracy Act of 1989, the so-called SEED I bill, it is incorrect to suggest that they are identical.

Therefore, I will vote against the Helms amendment, and I urge my colleagues to do likewise.

The PRESIDING OFFICER. Is there further debate?

Observing none, the question is on agreeing to amendment 241 offered by the Senator from North Carolina [Mr. HELMS]. The yeas and nays have been

ordered. The clerk will now call the roll.

The assistant legislative clerk called the roll.

Mr. DIXON. I announce that the Senator from Kentucky [Mr. FORD] and the Senator from Connecticut [Mr. LIEBERMAN] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

I further announce that, if present and voting, the Senator from Connecticut [Mr. LIEBERMAN] would vote "no."

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH] is absent due to a death in the family.

The result was announced—yeas 38, nays 58, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—38

Bond	Grassley	Roth
Brown	Hatch	Rudman
Burns	Heflin	Seymour
Coats	Helms	Shelby
Cochran	Kassebaum	Simpson
Cohen	Kasten	Smith
Craig	Lott	Specter
D'Amato	Mack	Stevens
Dole	McCain	Symms
Domenici	McConnell	Thurmond
Garn	Murkowski	Wallop
Gorton	Nickles	Warner
Gramm	Pressler	

NAYS—58

Adams	Durenberger	Metzenbaum
Akaka	Exon	Mikulski
Baucus	Fowler	Mitchell
Bentsen	Glenn	Moynihan
Biden	Gore	Nunn
Bingaman	Graham	Packwood
Boren	Harkin	Pell
Bradley	Hatfield	Reid
Breaux	Hollings	Riegle
Bryan	Inouye	Robb
Bumpers	Jeffords	Rockefeller
Burdick	Johnston	Sanford
Byrd	Kennedy	Sarbanes
Chafee	Kerrey	Sasser
Conrad	Kerry	Simon
Cranston	Kohl	Wellstone
Daschle	Lautenberg	Wirth
DeConcini	Leahy	Wofford
Dixon	Levin	
Dodd	Lugar	

NOT VOTING—4

Danforth	Lieberman
Ford	Pryor

So the amendment (No. 241) was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. KOHL). The majority leader.

UNANIMOUS-CONSENT AGREEMENT—SENATE RESOLUTION 117

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate resume consideration of Senate Resolution 117 at 10 o'clock a.m. tomorrow; that Senator DOLE be permitted to modify Senate Resolution 117; that no amendments or motions be in order to the resolution; that time for debate on the resolution be as follows: 30 minutes under the control of Senator DOLE; 30 minutes under the control of Senator BRADLEY; 30 minutes under the control of Senator DECONCINI; 15 minutes under the control of Senator HARKIN; 15 minutes under the control of Senator LEAHY; 15 minutes under the control of Senator D'AMATO; that when all time is used or yielded back, the Senate, without intervening action or debate, vote on or in relation to the resolution.

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

The text of the agreement follows:

Ordered, That at 10 a.m. on Wednesday, May 15, 1991, when the Senate resumes consideration of Senate Resolution 117, a sense of the Senate resolution relating to agricultural export credit guarantees to the Soviet Union, the Senator from Kansas (Mr. Dole) be permitted to modify Senate Resolution 117.

Ordered further, That no amendments or motions be in order to the resolution and that time for debate on the resolution be controlled as follows: 30 minutes for Senator Dole, 30 minutes for Senator Bradley, 30 minutes for Senator DeConcini, 15 minutes for Senator Harkin, 15 minutes for Senator Leahy, 15 minutes for Senator D'Amato.

Orderd further, That when all time is used or yielded back, the Senate, without any intervening action or debate, vote on, or in relation to, the resolution.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators now, as I understand it, there will be no further amendments and the only vote tonight remaining will be on final passage of the pending measure. Following that, which I anticipate will occur shortly, there will be no further rollcall votes this evening.

Pursuant to the unanimous-consent agreement just entered into, the Senate will resume consideration of Senator DOLE'S resolution with respect to export credits to the Soviet Union at 10 o'clock tomorrow morning, with approximately 2 hours and 15 minutes of time allotted. A vote will occur when that time is used or yielded back, so there should be a vote sometime around noon tomorrow on the Dole resolution, dependig upon whether or not all of the time is used or yielded back. All Senators should be aware of that now; that vote will occur tomorrow sometime around noon.

Mr. DOLE. Can I ask for the yeas and nays now? I ask unanimous consent that I may ask for the yeas and nays on the resolution.

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

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a guorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CENTRAL AMERICAN DEMOCRACY AND DEVELOPMENT ACT

The Senate continued with the consideration of the bill.

Mr. DURENBERGER. Mr. President, I rise in strong support of S. 100, the Central America Democracy and Development Act. This bill lays out important policy prescriptions and directions for the United States. The significance of this particular legislation is not that it authorizes any funds—it does not—but that it formally embodies in the law a sound, responsible, and realistic framework to guide U.S. policy toward Central America.

I want to commend and congratulate my colleague from North Carolina, Senator SANFORD, for bringing this legislation to its fruition. As all my colleagues are aware, S. 100 translates the recommendations of the Sanford Commission into U.S. policy. I am pleased to have had a role in that Commission, and I am proud to be an original cosponsor of this legislation.

Mr. President, there are numerous important elements in this legislation, but I want to emphasize several that this Senator believes are extremely important. S. 100 recognizes the essential linkage between peace, democracy, and development. Each is closely inter-related. The policy prescriptions embodied in S. 100 are intended to promote these essential elements.

Further, S. 100 emphasizes the imperative for the United States and international community to stay engaged in Central America; to remain a consistent, dependable ally and supporter; and to pursue and promote sustainable policies to strengthen democracy and development in Central America.

I have been involved in Central American issues for over a decade as a U.S. Senator and many more years prior to that in the private sector. And it is clear to me that if the United States is going to make a positive difference in this region, we cannot become engaged only episodically—when there is a crisis or an offensive or a big vote. We must remain engaged at a sustainable level, over the long term.

Mr. President, I want to highlight one other aspect of S. 100 that I believe is extremely important. This statement of U.S. policy, in complete agreement with the Esquipulas accords, reaffirms that the primary responsibility for development in Central America be-

longs to the government and the people of the Central American region. This may appear to some as a self-evident truth, and in my opinion, it is self-evident. But the key is that U.S. policy will formally embody this truth and prescribe actions that support it.

Because of the significance and value of this aspect of S. 100, I want to quote directly from the bill to emphasize the point:

> The Congress accepts with confidence that the countries of Central America will successfully direct their own economic and human resources to build and maintain the political, social, and economic institutions necessary to achieve peace and prosperity for their people.
>
> Accordingly, it is the policy of the United States to encourage and support the Central American countries in the efforts to build democracy, restore peace, establish respect for human rights, expand economic opportunities through the achievement of sustained and sustainable development, and improve living conditions in the countries of Central America. It further is the policy of the United States to support and encourage dialogue as the proper means of resolving armed conflicts in Central America.

The key element is that the Central American countries should take the lead in resolving their own problems and promoting their own development. The appropriate role for the United States is to facilitate and support that effort, not to direct or mandate it. And again, we should remain engaged in this pursuit on a consistent, sustainable basis.

In this regard, Mr. President, I am extremely encourage by the Central American governments' continuing efforts to work together to promote regional solutions to regional problems. It is unprecedented that each of the Central American countries is led concurrently by democratically elected governments.

This reality presents unique opportunities for the kind of cooperation that the countries have demonstrated in recent years. The Central American Presidents meet regularly to discuss matters of regional concern and to propose and promote coordinated solutions.

This regional cooperation is especially significant because it recognizes that there are many important issues that cross national boundaries, affecting not only individual countries, but the region as a whole. The continuing conflicts in El Salvador and Guatemala represent important examples of such issues.

The governments of Central America clearly understand and appreciate the impact that these conflicts have on each of them and just how important it is that these conflicts be resolved. Several weeks ago, I met with the Ambassadors of Central America, together, as a group. It was a symbolic and important demonstration of the spirit of cooperation and a greater regional approach to important issues. And in recognition of their support for S. 100, it is my understanding the Ambassadors are here today in the galleries observing these proceedings.

During our meeting, we discussed the particular problems and concerns of each of the countries but focused on the pervasiveness in the region of the war in El Salvador. The Ambassadors emphasized to me just how important it is to their countries that the war in El Salvador—and Guatemala as well—be ended as soon as possible. The full impact of these wars transcend national boundaries. The Ambassadors highlighted for me again the reality that the war in El Salvador inhibits regional progress toward peace, stability, and economic development.

The Ambassadors, acting in concert, are following through on the December 1990, Costa Rica summit of the Central American Presidents. At this summit, the Presidents issued the so-called Declaration of Puntarenas.

This declaration emphasizes the critical need to end the conflict in El Salvador. the Presidents recognize that the continuing war and unrest there frustrates the political and economic development for the entire region. The declaration expresses the regional support for the Government of El Salvador in its efforts to end the civil war through negotiations. And it praises the Government for its constructive negotiating positions.

Mr. President, I want to take this opportunity to express my strong support for the Central American Presidents' efforts to bring peace to El Salvador. The Presidents have provided invaluable impetus and support in the region and the international community to the efforts to end the war.

As my colleagues are well aware, the Government of El Salvador and the guerrillas of the FMLN recently reached a major accord to institute necessary and dramatic reforms in the Armed Forces, in the electoral and judicial systems, and in the human rights area. A formal cease-fire agreement is left to be negotiated, but never before have the people of El Salvador been so close to the peace they have long sought.

I want to extend my congratulations and praise for the leadership and courage of President Cristiani in forging these major reforms. President Cristiani has withstood intense pressure from extremes on the right and the left, neither of which has been enthusiastic about peace. He deserves great credit for the strength and durability of his commitment to peace. Without President Cristiani's determination to lead his country to a negotiated settlement, the people of El Salvador would no doubt suffer war and deprivation longer and more painfully.

Mr. President, I ask unanimous consent that an op-ed by President Cristiani appearing in this morning's Washington Post be printed in the RECORD at the conclusion of my remarks.

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

(SEE EXHIBIT 1)

Mr. DURENBERGER. Mr. President, the people of El Salvador are eager and anxious for peace. There's a palpable sense in the counry that peace is near, and that they will soon be free from the desperate burdens of war.

The difficult task of securing a cease-fire and definitive peace still lies ahead. As the negotiations resume later this month, I am confident that the Government will continue its efforts with the same vigor and commitment that has characterized their approach thus far.

It remains my hope that the FMLN will demonstrate comparable commitment to peace. Recent statements and actions by the guerrillas, however, continue to call into question just how serious the FMLN is when it professes to seek peace in El Salvador. It is incomprehensible to me that the guerrillas continue to destroy and disrupt the country's electrical power system and perpetrate other egregious acts of terrorism against the civilian population at a time when the peace process has never been going better.

Knocking out power to half the country, as the rebels recently did, cannot conceivably help foster an atmosphere of trust and confidence that is essential if El Salvador will continue to make progress in establishing lasting peace.

For the first time in over a decade, there is a solid chance for real peace in El Salvador. There is still a long way to go, but never before have the two sides traveled this far on the road to a negotiated settlement. President Cristiani has taken a strong leadership role in making profound changes in the way business is done in El Salvador. The guerrillas, for their part, have made important strides as well to make the agreements possible, but their continuing campaign of destruction aimed at the civilian population is simply outrageous, and it cannot help the process.

The United States also has an important role to play in achieving peace in El Salvador. We must remain a steady, dependable, and reliable friend and ally of the people of El Salvador and their efforts to achieve peace. Especially at this critical juncture, the Government and the guerrillas need to know that the United States remains firmly committed to promoting a negotiated settlment, to promoting the necessary reforms, and to strengthening the democratic institutions and processes in El Salvador.

In conclusion, Mr. President, let me again state my strong support for S. 100 and the policy directions therein prescribed. The United States and So-

viet Union are finished using Central America as an ideological battle ground to secure greater leverage against each other. The time has come for the United States to do the hard work of promoting and encouraging peace, democracy, and development in Central America.

We have a responsibility and a self-interest to stay engaged in this effort. It is the right thing to do for Central America, and it is the right thing to do for the United States. The United States benefits from stable, peaceful, and hopefully prosperous neighbors. Stable and well-developed democracies tend not to go to war with each other. They tend not to promote instability among their neighbors. They also tend to provide good markets for U.S. products as well as good sources for U.S. imports. And they tend to do the things necessary to provide for the well-being of their own people.

Mr. President, I strongly support the policy embodied in S. 100, and I urge my colleagues to do so as well. The United States should pursue policies designed to facilitate and promote regional efforts to address regional problems, not direct or mandate such solutions. That is what this legislation seeks to incorporate.

Thank you, Mr. President. I yield the floor.

EXHIBIT 1

[From the Washington Post, May 14, 1991]

EL SALVADOR DESERVES THAT AID

(by Alfredo Cristiani)

What I am about to say may come as a shock to many Americans, but El Salvador, regarded by some as the quagmire of Central America, is on the verge of becoming El Salvador, a triumph for democracy in Central America with thanks to a considerable assist from the United States.

How dare we be so optimistic? Consider the ground we have covered in the past 12 months toward a just peace and sound economic development.

We are close to ending the 11-year-old guerrilla war with a peace agreement that would make winners out of all Salvadorans and strengthen our democratic process. The only losers are the extremists on the left and the right who tried to impose their own nondemocratic systems on us.

Despite predictions that we would never investigate much less prosecute military officers for criminal acts, four army officer and five enlisted men accused of the barbarous murder of six Jesuit priests and their two women housekeepers 18 months ago will go on trial, possibly within the next three months.

In the economy, we have suffered through the first difficult steps to reverse the downward spiral brought on by heavy-handed state interference and to lay the groundwork for a market-oriented system that rewards individual initiative. Last year inflation dropped significantly, agricultural production and exports turned around, and our overall economic growth was the highest since 1979, before the war began. We have high hopes for continuing this trend and achieving our electoral promise of reducing severe poverty. Meanwhile, a special Social Emergency Program is doing much to minimize the adverse impact on the lowest income groups of the drastic measures we were forced to implement.

Nothing will improve our economy so much as peace. Last month after three weeks of intense negotiations with the Farabundo Marti National Liberation Front (FMLN) in Mexico City under the auspices of the United Nations, we laid the constitutional foundation for a final truce agreement that we hope to reach when we reconvene negotiations. The constitutional reforms, which we are already in the process of enacting, place the military firmly under civilian control, set up a civilian police force, strengthen the independence of the judiciary branch and establish a special prosecutor for crimes against human rights.

These reforms go to the heart of the critical problems that plunged our country into a decade of violence. When we took office in 1989, it was the first time in our history that the administration was passed from one elected civilian president to another. Every other elected government had been ousted by a military strong man. It is a major sign of our growing maturity as a democratic nation that our military men are now willing to accept civilian control.

The stage is set for all of these reforms to be cemented into law as soon as the FMLN accepts a cease-fire. It is now up to the FMLN to forswear its terrorism and back off its attempt to impose a bankrupt Marxist system on unwilling Salvadorans. We are encouraged that Joaquin Villalobos, one of their five top leaders, declared that he has given up Marxism to become a Social Democrat. Actually, without admitting it, the left has already become a part of our democratic system; as a result of our March 10 legislative elections, Ruben Zamora, a member of the left's political front, has been chosen vice president of the new National Assembly, and a member of Schafik Handal's Communist Part has one seat in the assembly. Handal is another of the five guerrilla leaders.

Those popular elections, the seventh we have held in the last 10 years, were an important watershed for our efforts to fulfill our campaign promise of bringing peace and unity to El Salvador. While on the surface it appeared that our party, Arena, lost ground to the Convergence of the Left, which won eight seats, the real significance is that the left finally participated in our democratic system and discovered that it could win a meaningful role. Even though Arena remains the most popular single political party, the way is clearly open for the left to have a genuine opportunity to influence policies through political compromise within our democratic system, making violence unjustifiable.

These are the very goals the United States set when it began assisting us in the 1980s. With success for your policy so near at hand, we urge Congress to see us through to the end by continuing its aid program. However, last year's action of withholding military aid to supposedly force the Salvadoran military to support the peace process sent the wrong signal to the FMLN. While we made concessions the FMLN sought to exploit the situation by smuggling in arms and launching a bloody offensive against the civilian population, which included the cold-blooded murder of two downed American pilots. Wisely, President Bush, citing the FMLN aggression, decided to restore the aid.

We urge Congress this time to demonstrate its support for the democratic forces in the new aid bill in order to send the FMLN a clear signal that it must accept a cease-fire without further delay. Once a cease-fire is in place, we guarantee to redirect military funds toward assisting and retraining the combatants on all sides for useful civilian roles and to rebuilding the infrastructure of our war-ravaged rural areas. Then, we will be truly bearing our swords into plowshares.

(The writer is president of El Salvador.)

Mr. KENNEDY. Mr. President, I give my strong support to S. 100, the Central American Democracy and Development Act.

It is high time that the United States took a leadership role in promoting democracy, economic development, and human rights in Central America. This bill does that by affirming this country's commitment to strengthening international institutions to help build and sustain a region of peaceful diversity.

This bill is the product of nearly 5 years of efforts by Senator SANFORD and the International Commission for Central American Recovery and Development, and independent nonpartisan organization composed of economists, development experts, and business and labor leaders from 20 countries in Latin America, North America, Europe, and Asia.

The bill is also a direct response to the Esquipulas peace accords, which were signed by the five Central American presidents in 1987. These accords established a framework for regional peace and security and called upon the international community to assist the region in achieving peace and economic development.

This bill advances these goals by setting forth a new and clear U.S. policy toward Central America. Specifically, the bill makes it U.S. policy to encourage and support the Central American countries in their efforts to: build democracies; restore peace; establish respect for human rights; expand economic opportunities through the achievement of sustained and sustainable development; and improve living conditions, particularly with respect to the relocation and resettlement of refugees and other displaced persons, the expansion of educational opportunites, and access to health care.

Perhaps most importantly, the bill encourages dialogue, not further violence, as the proper means of resolving armed conflicts in Central America.

This country's history of relations with Central America is filled with misunderstanding, distrust, and almost unrelenting tragedy. There is no more appropriate way to begin a truly new world order than by affirming our commmitment to peace and prosperity in this troubled region of the hemisphere.

I urge my colleagues to join me in supporting this most important legislation.

Mr. MCCONNELL. Mr. President, I would like to take a brief moment to speak on S. 100, the Central American

Democracy and Development Act. As a cosponsor of this bill, I am pleased the Senate is considering its passage.

Despite intense civil strife and troubled economies, Central American countries have worked hard to further democratic ideals and economic opportunities. The bill before us recognizes the connection between economic advances and democratic development; between free and open societies and improved human rights and living conditions.

S. 100 provides a framework for U.S. policy that seeks "to build democracy, restore peace, establish respect for human rights, expand economic opportunities through the achievement of sustainable development, and improve living conditions in the countries of Central America." These are objectives and goals that I am confident all my colleagues share.

Mr. President, as the chairman of the U.S. observer delegation to the Salvadoran Presidential elections, I traveled to polling stations around that country. I was struck by the large turn out of Salvadoran voters, despite threats of violence to voters by the FMLN and dire economic conditions. Salvadorans turned out to elect a new President because they believe in the democratic process. We should do all we can here—today—to strongly underscore our support for their courage and commitment to freedom, democracy and economic opportunity.

I strongly urge my colleagues to support this bill and to continue to encourage democracy and economic development in Central America. Through the leadership of the United States, and with international cooperation and support, we can further economic prosperity, peace, and democracy in that region.

Mr. McCAIN. Mr. President, I rise in support of S. 100, the Central American Democracy and Development Act. I am pleased to be a cosponsor of what I regard as an eminently sensible approach to development in Central America. I compliment Senator SANFORD and the entire International Commission for Central American Recovery and Development whose report provided the basis for S. 100. The Commission's dedication and bipartisanship, the involvement of the five Central American Presidents, and the cooperation of the Department of State and AID have produced a responsible and attainable design for Central American development that addresses both the immediate and long term needs of Central American societies.

In the spirit of Esquipulas, which called for closer cooperation between the economic policies of Central American nations, all five Central American Presidents endorsed the recommendations of S. 100 in the final Declaration of the Antigua Summit. The bill's emphasis on the expansion of trade incentives, the alleviation of debt burdens, and increased foreign investment are consistent with development approaches represented by the Caribbean basis initiative and the Enterprise for the Americas Initiative.

The call for a multilateral partnership to foster long-term economic development requires U.S. leadership in focusing the international community's attention on the requirements of prosperity and stability in Central America. It does not identify increased U.S. aid as the answer to the region's development needs.

As we consider our policy in Central America we should promote economic growth by encouraging the increased interdependence of the nations of Central America. We should encourage the principles of free markets and free trade that have served this country so well. But we should not condition U.S. cooperation with regional development on strict adherence to fiscal and monetary requirements that the United States is not yet inclined to practice.

In closing, let me sound a note of optimism. The political pluralism that has come to Central America. The utter failure of Marxist and state directed economic policies and Leninist political controls encourage us to believe that the nations of Central America are well on the way to developing their societies in accordance with the principles of modern and free states. S. 100 endorses those principles and provides a realistic blueprint for their promotion. It deserves the full support of Congress.

Mr. CRANSTON. Mr. President, I rise today to reaffirm my support for the Central American Democracy and Development Act which was introduced by the distinguished Senator from North Carolina, and of which I am a cosponsor. This is an important and overdue bill.

This legislation provides an opportunity for the United States to refocus its attention, in a much more hopeful way, on the Central American region. During the last decade, billions of dollars flowed from our Treasury into the coffers of Central America's militaries. War, not development, became the cornerstone upon which U.S. foreign policy toward Central America rested.

Meanwhile, the more pressing needs of the Central American people—debt reduction, increased productivity, renewed investment, and democratic institution building—languished. These are the problems that must be addressed if peace and prosperity are to come to the region. Ultimately, the growth and stability of Central America will help lead to the overall growth and stability of our hemisphere. That is our true national interest.

S. 100 provides a framework to help our friends in the region to confront the poverty and turmoil which plague Central America and undermine its development. It also delivers a message that the United States recognizes that Central Americans are fully capable of identifying their countries' problems and that Central Americans must implement their own solutions to these difficulties.

Finally, at a time in which the administration is encouraging a free trade agreement with Mexico and an enterprise for the Americas initiative, it is imperative that the Congress show its continued commitment to the people of Central America. I commend Senator SANFORD for his wisdom and his tenacity in pursuing this agenda change.

Mr. President, I urge my colleagues to extend their hands to the people of Central America by supporting the Central American Democracy and Development Act.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DIXON. I announce that the Senator from Kentucky [Mr. FORD] and the Senator from Connecticut [Mr. LIEBERMAN] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

I further announce that, if present and voting, the Senator from Connecticut [Mr. LIEBERMAN] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH] is necessarily absent.

I announce that the Senator from Missouri [Mr. DANFORTH] is absent due to a death in the family.

The result was announced—yeas 87, nays 9, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—87

Adams	DeConcini	Kassebaum
Akaka	Dixon	Kasten
Baucus	Dodd	Kennedy
Bentsen	Dole	Kerrey
Biden	Domenici	Kerry
Bingaman	Durenberger	Kohl
Bond	Exon	Lautenberg
Boren	Fowler	Leahy
Bradley	Garn	Levin
Breaux	Glenn	Lott
Bryan	Gore	Lugar
Bumpers	Gorton	Mack
Burdick	Graham	McCain
Burns	Gramm	McConnell
Byrd	Grassley	Metzenbaum
Chafee	Harkin	Mikulski
Coats	Hatch	Mitchell
Cochran	Hatfield	Moynihan
Cohen	Heflin	Murkowski
Conrad	Hollings	Nunn
Cranston	Inouye	Packwood
D'Amato	Jeffords	Pell
Daschle	Johnston	Pressler

Reid	Sarbanes	Specter
Riegle	Sasser	Stevens
Robb	Seymour	Warner
Rockefeller	Shelby	Wellstone
Rudman	Simon	Wirth
Sanford	Simpson	Wofford

NAYS—9

Brown	Nickles	Symms
Craig	Roth	Thurmond
Helms	Smith	Wallop

NOT VOTING—4

Danforth	Lieberman
Ford	Pryor

So the bill (S. 100) was passed as follows:

S. 100

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 "Central American Democracy and Development Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The perpetuation of individual poverty, the lack of trade and economic opportunities, the shortage of capital for investment, the absence of adequate transportation and communication facilities, and inadequate educational and health care resources have persisted in Central America and have prevented the prosperous and peaceful development of that region.

(2) Civil conflict and severe economic decline over the past decade have produced a severe crisis in Central America.

(3) Violence has uprooted a full 15 percent of Central America's people, creating an urgent need for outside assistance in resettlement and relocation.

(4) The roots of the crisis in Central America are primarily economic and social.

(5) Economic prosperity and free and open societies are essential to peaceful relationships with neighboring countries.

(6) Section 461 of chapter 6 of part I of the Foreign Assistance Act of 1961 (setting forth the statement of policy for the Central America Democracy, Peace, and Development Initiative) appropriately recognizes the essential linkage between democracy and development.

(7) On September 10, 1988, the vice presidents of the five Central American countries (Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua) approved an intraregional coordination mechanism to implement the United Nations Development Programme's Special Plan of Economic Cooperation for Central America.

(8) The Esquipulas II, Tesoro Beach, Tela, San Isidro, and Montelimar Accords signed by the presidents of the 5 Central American countries endorsed democratic processes and institutions in each country and that conflicts should be resolved through dialogue, negotiation, and elections.

(9) In the Declaration of Antigua, the five Central American presidents—

(A) affirmed the recognition by the Esquipulas I and II Accords that—

(i) lasting peace cannot be attained without development, and

(ii) while generous support from the international community is required, responsibility for development in Central America belongs to the governments and to the people of the Central American countries;

(B) directly reaffirmed that respect for human rights is the fundamental basis of democracy;

(C) emphasized the importance of strengthening Central America's regional organizations, and the intention to increase cooperative efforts at economic integration of the countries of Central America; and

(D) confirmed the need to establish a Central American mechanism to improve multilateral cooperation in assistance as correlated to the region's needs and to promote growth through regional initiatives.

(10) The Declaration of Antigua proposed a Central American Economic Community to provide regional unity and strength in the international arena in order to promote the development of the entire region based on free market economies, with all citizens benefiting, and full participation in the world economy. The Declaration states that the success of the proposed Community will depend on the creativity of all elements of society, include the agricultural, financial, educational, labor, religious, cultural, and industrial communities, and grass-roots development organizations.

(11) As recognized in the report of the International Commission on Central American Recovery and Development (a group led by citizens from the five Central American countries and assisted by citizens from twelve other countries), a plan for sustainable development in Central America requires concerted efforts on a regional basis to utilize, manage, and preserve more effectively the resources of the region.

(12) The International Commission for Central American Recovery and Development recommended comprehensive policy prescriptions and actions to attain broad enhancement of the social institutions, public and private infrastructure, and financial and economic structures of the Central American countries, with the goals of peace, strengthened democratic institutions, sustainable development, and prosperity for the benefit of all the people of Central America.

(13) United States interests in Central America are based on national security concerns, humanitarian concerns, cultural and ethnic ties, commercial relations, interest in promoting democratic ideals, and the desire for friendly, peaceful neighboring countries. Such interests will best be advanced by political and economic development in the region.

(14) The increasing interest of the international donor community enhances the climate for implementing a comprehensive recovery and long-term economic development program necessary to achieve lasting peace in Central America.

(15) Both the Declaration of Antigua and the report of the International Commission for Central American Recovery and Development state that economic restructuring programs must be formulated in a manner to ease the burdens of adjustment on the poorest segments of society.

SEC. 3. UNITED STATES POLICIES.

(a) IN GENERAL.—The Congress accepts with confidence that the countries of Central America will successfully direct their own economic and human resources to build and maintain the political, social, and economic institutions necessary to achieve peace and prosperity for their people. Accordingly, it is the policy of the United States to encourage and support the Central American countries in the efforts to build democracy, restore peace, establish respect for human rights, expand economic opportunities through the achievement of sustained and sustainable development, and improve living conditions in the countries of Central America. It further is the policy of the United States to support and encourage dialogue as the proper means of resolving armed conflicts in Central America.

(b) UNITED STATES ASSISTANCE FOR IMPLEMENTATION OF AN INTERNATIONAL PROGRAM FOR CENTRAL AMERICAN RECOVERY AND DEVELOPMENT.—In order to build upon the programs established pursuant to the National Bipartisan Commission on Central America and to establish a Central American Recovery and Development Program, it is the policy of the United States, consistent with implementation of the Esquipulas, Tesoro Beach, Tela, San Isidro, and Montelimar Accords and the Antiqua Declaration, to assist in the implementation of recommendations of the International Commission on Central American Recovery and Development, including proposals—

(1) to provide additional economic assistance to the countries of Central America to assist with relocation and resettlement of refugees and other displaced persons in the region, expand educational opportunity and access to health care, foster progress in respect for human rights, bolster democratic institutions, strengthen institutions of justice, conserve natural resources and protect the environment, and otherwise promote sustainable economic development;

(2) to facilitate the ability of the economies of individual Central American countries to grow through the development of the infrastructure of those countries, expansion of exports, and strengthening of investment opportunities, goals which are enhanced by the Caribbean Basin Economic Recovery Expansion Act of 1990; and

(3) to develop those initiatives in concert with the governments of Central America, Western Europe, Japan, Canada, and other democracies.

(c) REFUGEES AND DISPLACED PERSONS.—Consistent with the recommendations of the International Commission on Central American Recovery and Development, it is the policy of the United States to support, participate in, and contribute to the United Nations Development Programme for its Special Plan of Economic Cooperation for Central America, which is designed to—

(1) reintegrate the displaced and refugee populations,

(2) create employment opportunities, and

(3) establish a system to ensure adequate food supplies and health facilities for the poor.

(d) MULTILATERAL AND REGIONAL COOPERATION.—

(1) MULTILATERAL COOPERATION.—It is the policy of the United States to encourage and secure greater international cooperation and support for implementing the recommendations of the International Commission on Central American Recovery and Development. In carrying out this policy, the President should exert continued leadership in multilateral and regional forums and at economic summits to further multidonor responses to the pressing development needs in Central America.

(2) PARTNERSHIP FOR DEMOCRACY AND DEVELOPMENT.—It further is the policy of the United States to help organize a partnership among donor countries and the Central American countries to provide a coordinated, organized means of mobilizing resources and promoting a forum for dialogue about issues of development, democracy, social justice, and human rights.

(3) REGIONAL COOPERATION.—If requested by the governments of Central America, the United States, in an effort to support full participation in a partnership for democracy

and development, shall provide appropriate support and assistance for the development of a coordination mechanism for Central America which includes participation of governments and nongovernmental organizations. Such mechanism has been designated as the Central American Development Coordination Commission (CADCC) by the International Commission on Central American Recovery and Development.

(e) ENTERPRISE FOR THE AMERICAS INITIATIVE.—It is the policy of the United States to support and promote the President's proposed Enterprise for the Americas Initiative to assist Central American countries in opening their economies and managing their foreign debt, which is a major factor in preventing economic renewal.

MORNING BUSINESS

Mr. BIDEN. 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.

The Senator from Delaware is recognized.

Mr. BIDEN. I thank the Chair.

(The remarks of Mr. BIDEN pertaining to the introduction of S. 1043 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EXPLANATION OF VOTE

Mr. PELL. Mr. President, I voted last week in favor of suspending the provisions of the Gramm-Rudman-Hollings Act. I did so because I believe the Congress needs maximum flexibility to respond to the serious economic recession that continues to grip our Nation.

It has always been my view that the Gramm-Rudman-Hollings Act was bad public policy and an ineffective way to reduce the Federal budget deficit. Gramm-Rudman-Hollings is based upon a distrust of our democratic institutions and our ability to manage our economic affairs through reason, thought, debate, and compromise. For those qualities, the act substitutes mathematic formulas that automatically trigger sweeping changes in the Federal budget—changes untouched by human hands or human thought. For this reason I have voted against the act from its inception.

And, indeed, the act has proven ineffective in reducing the Federal budget deficit. Ask one question—is the Federal budget deficit today larger or smaller than when the act was adopted? The deficit is, of course, significantly larger.

In adopting the fiscal straitjacket of Gramm-Rudman-Hollings, however, the Congress did have the wisdom to foresee that its provisions might be entirely inappropriate if the country was in an economic recession. Thus, the act provided that Congress must vote on a suspension of the act if the Nation entered an official recession, having experienced two consecutive quarters of negative growth, or shrinkage, in the economy. That has happen, and we are in a recession. Joblessness is high, the number of Americans employed is still shrinking. Many Americans have been out of work so long they have exhausted jobless benefits and are so discouraged they have stopped actively seeking work.

In these circumstances, the Congress should not restrict itself with rigid, mathematical rules and formulas in its efforts to restore prosperity. I regret that a majority of the Senate did not vote to suspend the Gramm-Rudman-Hollings Act. That act and its provisions now stand as the major excuse for the Congress doing almost nothing at all to counter the economic recession.

Mr. President, the Gramm-Rudman-Hollings Act is bad policy in normal times. In times of economic recession it makes no sense whatever. That is why I voted to suspend its provisions.

RHODE ISLAND HONORED BY EPA

Mr. PELL. Mr. President, I rise to share with my colleagues the news that Rhode Island has earned a national award from the Environmental Protection Agency for creating the Nation's first statewide mandatory comprehensive recycling program.

William Reilly, Administrator of EPA, soon will be honoring Rhode Island for its leadership in innovative municipal waste recycling during ceremonies at EPA's headquarters.

Rhode Islanders are proud that our State is one of nine national winners in the agency's first annual Administrator's Awards Program. Rhode Island won in the highly competitive category of State agencies.

Five years ago, Rhode Island passed the first statewide mandatory comprehensive recycling law in the country and set to work implementing that law.

Now about 14 percent of our State's residential waste stream is recycled. Commercial waste at landfills in Rhode Island has decreased by 24 percent since July 1989.

Rhode Island agencies also are involved in a source reduction program. The State's 2-year-old materials recycling facility is one of the most technically advanced in the country.

The source reduction program also includes composting and the recovery of methane gas from a landfill, which is used to heat 18,000 homes.

Clearly, Rhode Island's program is an example for the Nation of what can be accomplished through aggressive, well-executed recycling and source reduction programs.

Administrator Reilly's award to Rhode Island is an appropriate national recognition of our State's excellent environmental leadership and visionary planning.

To all who have been involved in this effort. EPA's award is confirmation that they should keep up the good work. There is more to be done, but we are well on our way.

TRIBUTE TO JOHN KEISLING, TENNESSEE'S SMALL BUSINESS PERSON OF THE YEAR

Mr. SASSER. Mr. President, it is with great pride that I rise today to pay tribute to Mr. John Keisling of Sparta, TN, Tennessee's Small Businessperson of the Year. Since 1971, John has helped lead his family company, Cumberland Hardwoods, from a local furnishings manufacturer into a nationally recognized, successful international enterprise.

John understood, before many, that rapidly changing manufacturing technologies require a workforce with more than mechanical training. The global marketplace now demands that workers have basic literacy and analytical skills as well. To help his employees compete, John implemented a workplace literacy program in 1989 which offered reading and math classes. His company also offered day care services to encourage the participation of employees with children.

But, Mr. President, John's belief in and dedication to his employees did not stop at the factory's gates. He saw a way to use his company's resources for the benefit of the entire community. The company began offering courses in parenting skills, crisis and stress management, resources identification, and referral training to all residents of his rural community.

John Keisling's efforts to help his workers attain basic literacy skills and his community attain basic management skills have gained him national recognition and international contracts. First Lady Barbara Bush and the American Association of Adult and Continuing Education presented Cumberland Hardwoods with the National Workplace Literacy Award in 1990. The company has also recently entered into a joint venture with a multinational firm to be the first manufacturer in its industry to export its product into Eastern Europe.

Mr. President, America needs more business people like John Keisling. For John, an investment in his employees' education is an investment in his company's future. The success of Cumberland Hardwoods is a testament to the value of this belief. I join my fellow Tennesseans in congratulating John Keisling for this great honor.

MESSAGES FROM THE PRESIDENT

Messages 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 sundry 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 RECEIVED DURING RECESS

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on May 13, 1991, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 2122. An act to authorize emergency humanitarian assistance for fiscal year 1991 for Iraqi refugees and other persons in and around Iraq who are displaced as a result of the Persian Gulf conflict; and

H.J. Res. 109. Joint resolution designating each of the weeks beginning May 12, 1991, and May 10, 1992, as "Emergency Medical Services Week."

Under the authority of the order of the Senate of January 3, 1991, the enrolled bill and joint resolution were signed on May 13, 1991, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1105. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-1106. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-1107. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report concerning the claim of Ms. Olufunmilayo O. Omokaye; to the Committee on the Judiciary.

EC-1108. A communication from the General Counsel of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the annual report of the Service under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-1109. A communication from the President of the American Academy and Institute of Arts and Letters, transmitting, pursuant to law, the report on activities of the Institute during calendar year 1990; to the Committee on the Judiciary.

EC-1110. A communication from the Director of Administrative Office of the United States Courts, transmitting, pursuant to law, the annual report on applications for orders authorizing or approving the interception of wire, oral, or electronic communications for calendar year 1990; to the Committee on the Judiciary.

EC-1111. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the recommendation for the uniform percentage adjustment of each dollar amount specified in Title 11 regarding bankruptcy; to the Committee on the Judiciary.

EC-1112. A communication from the Acting Director of the Office of Policy Administration, Department of Justice, transmitting, pursuant to law, the annual report of the Department of Justice under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-1113. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Federal Reserve System under the Freedom of Information Act during calendar year 1990; to the Committee on the Judiciary.

EC-1114. A communication from the Attorney General, transmitting, pursuant to law, a draft of proposal legislation to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States; to the Committee on the Judiciary.

EC-1115. A communication from the National Commander of the Civil Air Patrol, transmitting, pursuant to law, the annual report on the Civil Air Patrol for calendar year 1990; to the Committee on the Judiciary.

EC-1116. A communication from the Chief Justice of the United States, transmitting, pursuant to law, various amendments to the Federal Rules of Civil Procedure and the Supplemental Rules for Certain Admiralty and Maritime Claims which have been adopted by the Supreme Court; to the Committee on the Judiciary.

EC-1117. A communication from the Chief Justice of the United States, transmitting, pursuant to law, amendments to the Federal Rules of Evidence; to the Committee on the Judiciary.

EC-1118. A communication from the Chief Justice of the United States, transmitting, pursuant to law, amendments to the Federal Rules of Criminal Procedure which have been adopted by the Supreme Court; to the Committee on the Judiciary.

EC-1119. A communication from the Chief Justice of the United States, transmitting, pursuant to law, amendments to the Federal Rules of Appellate Procedure which have been adopted by the Supreme Court; to the Committee on the Judiciary.

EC-1120. A communication from the Chief Justice of the United States, transmitting, pursuant to law, amendments to the Bankruptcy Rules which have been adopted by the Supreme Court; to the Committee on the Judiciary.

EC-1121. A communication from the Chairman of the National Commission on Libraries and Information Science, transmitting, pursuant to law, the annual report of the Commission for the period from October 1, 1989 through September 30, 1990; to the Committee on Labor and Human Resources.

EC-1122. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priority for the Early Education Program for Children with Disabilities; to the Committee on Labor and Human Resources.

EC-1123. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final annual evaluation priorities—Special Studies Program; to the Committee on Labor and Human Resources.

EC-1124. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Alcohol and Drug Abuse and Mental Health Services Block Grant Report for fiscal year 1989; to the Committee on Labor and Human Resources.

EC-1125. A communication from the Executive Director of the Committee for Purchase from the Blind and Other Severely Handicapped, transmitting, pursuant to law, the annual report of the Committee for fiscal year 1990; to the Committee on Labor and Human Resources.

EC-1126. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the feasibility of linking research-related data; to the Committee on Labor and Human Resources.

EC-1127. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the National Institutes of Health AIDS Research Loan Repayment program; to the Committee on Labor and Human Resources.

EC-1128. A communication from the Secretary of Education, transmitting a draft of proposed legislation to authorize the establishment within the Department of Education of a position of Under Secretary, and for other purposes; to the Committee on Labor and Human Resources.

EC-1129. A communication from the Chairman of the Board of the Student Loan Marketing Association, transmitting, pursuant to law, the annual report of the Student Loan Marketing Association for 1990; to the Committee on Labor and Human Resources.

EC-1130. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend authorizations of appropriations for programs under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, the Abadndoned Infants Assistance Act of 1988, the Family Violence Prevention and Services Act, and the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986; to the Committee on Labor and Human Resources.

EC-1131. A communication from the Chairman of the Board and the Executive Director of the Pension Benefit Guaranty Corporation, transmitting pursuant to law, a report on union-mandated withdrawals from multiemployer pension plans; to the Committee on Labor and Human Resources.

EC-1132. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Family Planning and Five Year Plan for the two most recently ended fiscal years; to the Committee on Labor and Human Resources.

EC-1133. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "AIDS Knowledge and the Effectiveness of AIDS Retention Interventions in Minority Communities"; to the Committee on Labor and Human Resources.

EC-1134. A communication from the Public Printer of the United States, transmitting, pursuant to law, the annual report of the Government Printing Office for fiscal year

1990; to the Committee on Rules and Administration.

EC-1135. A communication from the Chairman and the Trustees of the John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, the annual report of the Center for fiscal years 1989 and 1990; to the Committee on Rules and Administration.

EC-1136. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, section 203(b), United States Code, to delete the requirement that settlements of claims in excess of $1,000,000 on a construction contract be provided for specifically in an appropriation law, and to provide instead that the Secretary notify the House and Senate Committee on Appropriations of construction contract claims settlements of more than $1,000,000; to the Committee on Veterans' Affairs.

EC-1137. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to facilitate the establishment of child care centers at Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

EC-1138. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to revise the authority of the Department of Veterans Affairs to pay for the travel expenses of veterans seeking care in Departmental health-care facilities; to the Committee on Veterans' Affairs.

EC-1139. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report on the activities of the Department of Veterans Affairs for fiscal year 1990; to the Committee on Veterans' Affairs.

EC-1140. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the first Within-Session OMB Sequester Report for Fiscal Year 1991; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Small Business, the Committee on Veterans' Affairs, the Special Committee on Aging, the Select Committee on Indian Affairs, and the Select Committee on Intelligence.

EC-1141. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the Department of Energy's expenditure of fiscal year 1990 Environmental Restoration and Waste Management funds; to the Committee on Armed Services.

EC-1142. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to establish fiscal provisions relating to cooperative projects with friendly foreign countries and international organizations on a cost-shared basis; to the Committee on Armed Services.

EC-1143. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1992 and 1993 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal years 1992 and 1993, and for other purposes; to the Committee on Armed Services.

EC-1144. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting, pursuant to law, a report on the decision to retain the Director of Logistics at Fort Rucker as an in-house operation; to the Committee on Armed Services.

EC-1145. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report entitled "Allied Contributions to the Common Defense"; to the Committee on Armed Services.

EC-1146. A communication from the Acting Under Secretary of Defense (Acquisition), transmitting, pursuant to law, certification with respect to certain defense acquisition programs; to the Committee on Armed Services.

EC-1147. A communication from the Assistant Secretary of Defense (Force Management and Personnel), transmitting, pursuant to law, a report on the adequacy of pay and allowances of the uniformed services; to the Committee on Armed Services.

EC-1148. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the second report on United States costs in the Persian Gulf Conflict and Foreign Contributions to Offset Such Costs; to the Committee on Armed Services.

EC-1149. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the first report on United States Costs in the Persian Gulf Conflict and Foreign Contributions to Offset Such Costs; to the Committee on Armed Services.

EC-1150. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1990; to the Committee on Commerce, Science, and Transportation.

EC-1151. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on accomplishments under the Airport Improvement Program for fiscal year 1990; to the Committee on Commerce, Science, and Transportation.

EC-1152. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the administration of the Pipeline Safety Act for calendar year 1989; to the Committee on Commerce, Science, and Transportation.

EC-1153. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1154. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1155. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1156. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1157. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1158. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1159. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Outer Continental Shelf Lease Sales: Evaluation of Bidding Results and Competition"; which is the annual reports for fiscal years 1988 and 1989; to the Committee on Energy and Natural Resources.

EC-1160. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the technology that was incorporated into the U.S. Route 220 demonstration project and its performance during the first year following construction; to the Committee on Environment and Public Works.

EC-1161. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the nondisclosure of safeguards information for the quarter ending March 31, 1991; to the Committee on Environment and Public Works.

EC-1162. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Medicare fee scheduling update recommendation for 1992, the recommendation of Medicare volume performance standard rates of increase for fiscal year 1992 and the report entitled "Monitoring Changes in the Use of, Access To, and Appropriateness of Part B Medicare Services"; to the Committee on Finance.

EC-1163. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice that a reward has been paid pursuant to 22 USC 2708; to the Committee on Foreign Relations.

EC-1164. A communication from the Acting Assistant Secretary of the Treasury (Legislative Affairs) and the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the first report on foreign contributions in response to the Persian Gulf Crisis; to the Committee on Foreign Relations.

EC-1165. A communication from the Director of the United States Peace Corps, transmitting a draft of proposed legislation to amend the Peace Corps Act to provide authorizations of appropriations for the Peace Corps of the United States for fiscal years 1992 and 1993; to the Committee on Foreign Relations.

EC-1166. A communication from the District of Columbia Auditor transmitting, pur-

suant to law, a report entitled "District Vehicle Towing Contracts"; to the Committee on Governmental Affairs.

EC-1167. A communication from the Director of the District Banks Directorate, Federal Housing Finance Board, transmitting, pursuant to law, copies of the actuarial and financial reports for plan years 1989 and 1988; to the Committee on Governmental Affairs.

EC-1168. A communication from the Assistant Director of the District Banks Directorate, Federal Housing Finance Board, transmitting, pursuant to law, statements of cash receipts and disbursements for the Federal Home Loan Bank System Pension Portability Plan; to the Committee on Governmental Affairs.

EC-1169. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, a report on the implementation of the Single Audit Act of 1984; to the Committee on Governmental Affairs.

EC-1170. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-20 adopted by the Council on April 9, 1991; to the Committee on Governmental Affairs.

EC-1171. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-19 adopted by the Council on April 9, 1991; to the Committee on Governmental Affairs.

EC-1172. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-21 adopted by the Council on April 9, 1991; to the Committee on Governmental Affairs.

EC-1173. A communication from the Chairman and Members of the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-1174. A communication from the Director of Central Intelligence, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1992 and 1993 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Select Committee on Intelligence.

EC-1175. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, a report of amendments to the sentencing guidelines, together with the reasons for the amendments; to the Committee on the Judiciary.

EC-1176. A communication from the Attorney General of the United States, transmitting, pursuant to law, the annual report of the Attorney General of the United States for fiscal year 1989; to the Committee on the Judiciary.

EC-1177. A communication from the Deputy Director for Supply Reduction, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report on the High Intensity Drug Trafficking Areas Program; to the Committee on Judiciary.

EC-1178. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Health Care Quality Improvement Act of 1986 to authorize the National Practitioner Data Bank to collect social security account numbers and to charge fees that cover its full costs of operation; to the Committee on Labor and Human Resources.

EC-1179. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final regulations for the Technology Education Demonstration program; to the Committee on Labor and Human Resources.

EC-1180. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the 1989-1990 report on the status of organ donation and coordination services; to the Committee on Labor and Human Resources.

EC-1181. A communication from the Secretary of Education, transmitting, pursuant to law, a summary of the Administration's legislative proposals for reauthorization of the Higher Education Act of 1965; to the Committee on Labor and Human Resources.

EC-1182. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report on certain cases recommended for equitable relief; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 521. A bill to amend section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, and for other purposes.

By Mr. BENTSEN, from the Committee on Finance, unfavorably without amendment:

S. Res. 78. A resolution to disapprove the request of the President for extension of the fast-track procedures under the Omnibus Trade and Competitiveness Act of 1988 and the Trade Act of 1974 (Rept. No. 102-56).

• Mr. BENTSEN. Mr. President, I rise today to submit to the Senate the report of the Committee on Finance with respect to Senate Resolution 78, a resolution disapproving the request of the President for extension of the fast-track procedures under the Omnibus Trade and Competitiveness Act of 1988 and the Trade Act of 1974. The committee recommends that the Senate not approve Senate Resolution 78.

The 1988 Trade Act authorizes the President to enter into bilateral and multilateral trade agreements, and have such agreements considered under expedited legislative procedures, before June 1, 1991. The 1988 Trade Act also provides that these fast track legislative procedures may be extended to trade agreements entered into after May 31, 1991, and before June 1, 1993, if the President requests an extension and if neither House of Congress disapproves the request.

Senate Resolution 78 would disapprove the request of the President for an extension of fast track legislative procedures because sufficient tangible progress has not been made in trade negotiations. After careful consideration, the committee ordered the resolution reported unfavorably by a vote of 15 to 3.•

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

John Elliott Reynolds, III, of Florida, to be a member of the Marine Mammal Commission for the term expiring May 13, 1993;

Jack Warren Lentfer, of Alaska, to be a member of the Marine Mammal Commission for a term expiring May 13, 1991;

Jack Warren Lentfer, of Alaska, to be a member of the Marine Mammal Commission for a term expiring May 13, 1994;

Rear Adm. Paul A. Welling, USCG as Commander, Atlantic Area, U.S. Coast Guard with the grade of vice admiral while so serving;

John N. Faigle, for appointment to the grade of rear admiral, U.S. Coast Guard;

John G. Keller, Jr., of the District of Columbia, to be Under Secretary of Commerce for Travel and Tourism; and

Preston Moore, of Texas, to be Chief Financial Officer, Department of Commerce.

(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.)

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 21, January 22, February 19, February 26, March 5, March 12, March 19, March 22, April 9, April 11, April 16, April 17, April 18, and April 23, 1991, at the end of the Senate proceedings.)

*In the Navy there are 26 promotions to the grade of rear admiral (lower half) (list begins with Michael W. Bordy) (Reference No. 19-2).

*In the Navy there are 8 promotions to the grade of rear admiral (lower half) (list begins with Richard A. Nelson) (Reference No. 20).

*In the Marine Corps there are 5 promotions to the grade of major general (list begins with Richard L. Phillips) (Reference No. 21-1).

*Brig. Gen. John F. Cronin, USMCR, to be major general (Reference No. 22).

*Col. Larry S. Taylor, USMCR, to be brigadier general (Reference No. 23).

**In the Air Force Reserve there are 25 promotions to the grade of lieutenant colonel (list begins with David W. Baumann) (Reference No. 26).

**In the Air Force Reserve there are 31 promotions to the grade of lieutenant colonel

(list begins with Douglas S. Anderson) (Reference No. 27).

**In the Air Force there are 5 promotions to the grade of lieutenant colonel and below (list begins with George Nicolas, Jr.) (Reference No. 28).

**In the Marine Corps there are 140 appointments to the grade of colonel (list begins with William V. Arbacas, Jr.) (Reference No. 70).

*In the Navy there are 5 promotions to the grade of rear admiral (list begins with William A. Buckendorf) (Reference No. 93).

*In the Army there are 39 appointments to the grade of brigadier general (list begins with Robert F. Foley) (Reference No. 99).

*Lt. Gen. Donald O. Aldridge, USAF, for appointment to the grade of lieutenant general on the retired list (Reference No. 125).

*Vice Adm. James A. Zimble, USN, to be placed on the retired list in the grade of vice admiral (Reference No. 129).

*Rear Adm. Michael C. Colley, USN, for appointment to the grade of vice admiral (Reference No. 130).

*Rear Adm. (Lower Half) David E. White, USN, to be rear admiral and Chief of Chaplains (Reference No. 131).

*In the Naval Reserve there are 3 promotions to the grade of rear admiral (list begins with Paul T. Kayye) (Reference No. 132).

*In the Naval Reserve there are 6 promotions to the grade of rear admiral (lower half) (list begins with John H. McKinley, Jr.) (Reference No. 133).

**In the Air Force there are 9 promotions to the grade of colonel and below (list begins with Antonio A. B. Mataban) (Reference No. 134).

**In the Air Force there are 815 promotions to the grade of colonel and below (list begins with John A. Anderson) (Reference No. 136).

*Rear Adm. Anthony A. Less, USN, to be vice admiral (Reference No. 148).

**In the Air Force Reserve there are 21 promotions to the grade of lieutenant colonel (list begins with Chris A. Anastassatos, Jr.) (Reference No. 149).

**In the Air Force Reserve there there are 24 promotions to the grade of lieutenant colonel (list begins with Daniel P. Anderson) (Reference No. 150).

**In the Air Force Reserve there are 208 promotions to the grade of colonel (list begins with Michael A. Aimone) (Reference No. 156).

**In the Air Force Reserve there are 84 promotions to the grade of colonel (list begins with William P. Alexander) (Reference No. 158).

**In the Air Force there is 1 promotion to the grade of colonel (Astronaut Carl J. Meade) (Reference No. 164).

**In the Air Force there are 12 promotions to the grade of colonel and below (list begins with Michael G. King) (Reference No. 165).

**In the Army there is 1 promotion to the grade of lieutenant colonel (Charles D. Gemar) (Reference No. 166).

**In the Army there are 6 promotions to the grade of lieutenant colonel and below (list begins with Marshall V. C. Dressel) (Reference No. 167).

**In the Navy there is 1 promotion to the grade of captain (Astronaut Frank L. Culbertson, Jr.) (Reference No. 168).

**In the Air Force there are 975 appointments to the grade of second lieutenant (list begins with Richard E. Aaron) (Reference No. 169).

*In the Army there are 2 appointments to the grade of major general and below (list begins with William L. Moore, Jr.) (Reference No. 173).

*Lt. Gen. Michael P. C. Carns, USAF to be general and Vice Chief of Staff, U.S. Air Force (Reference No. 177).

*Rear Adm. Edward W. Clexton, Jr., USN, to be vice admiral (Reference No. 179).

**In the Navy there are 417 promotions to the grade of captain (list begins with Victor H. Ackley) (Reference No. 180).

*Lt. Gen. Henry Viccellio, Jr., USAF, for reappointment to the grade of lieutenant general (Reference No. 188).

*In the Army Reserve there are 20 appointments to the grade of major general and below (list begins with Richard E. Haynes) (Reference No. 189).

*In the Marine Corps there are 9 promotions to the grade of brigadier general (list begins with William A. Forney) (Reference No. 190).

**In the Marine Corps there are 342 appointments to the grade of lieutenant colonel (list begins with Raymond Adamiec) (Reference No. 191).

**In the Navy there are 252 promotions to the grade of captain (list begins with Clinton E. Adams) (Reference No. 192).

*Lt. Gen. James S. Cassity, Jr., USAF, for appointment to the grade of lieutenant general on the retired list (Reference No. 198).

*Lt. Gen. Thomas A. Baker, USAF, for reappointment to the grade of lieutenant general (Reference No. 199).

*Lt. Gen. Robert L. Rutherford, USAF, for reappointment to the grade of lieutenant general (Reference No. 200).

*Maj. Gen. Billy J. Boles, USAF for appointment to the grade of lieutenant general (Reference No. 201).

**In the Army there are 187 promotions to the grade of lieutenant colonel (list begins with Joseph S. Batluck) (Reference No. 211).

**In the Army there are 383 promotions to the grade of major (list begins with Denise J. Arn) (Reference No. 212).

*Gen. John A. Shaud, USAF, for appointment to the grade of general on the retired list (Reference No. 223).

*Lt. Gen. Charles R. Hamm, USAF, for appointment to the grade of lieutenant general on the retired list (Reference No. 224).

*Lt. Gen. Monte B. Miller, USAF, for appointment to the grade of lieutenant general on the retired list (Reference No. 225).

*Maj. Gen. Vernon J. Kondra, USAF, for appointment to the grade of lieutenant general (Reference No. 227).

*Maj. Gen. Donald Snyder, USAF, for appointment to the grade of lieutenant general (Reference No. 229).

*Maj. Gen. Richard J. Trzaskoma, USAF, for appointment to the grade of lieutenant general (Reference No. 230).

*Maj. Gen. David C. Morehouse, USAF, to be Judge Advocate General of the U.S. Air Force; and Brig. Gen. Nolan Sklute, USAF, to be Deputy Judge Advocate General of the U.S. Air Force (Reference No. 231).

*In the Air Force Reserve there are 20 appointments to the grade of major general and below (list begins with James W. Chapman) (Reference No. 232).

*Lt. Gen. Jack B. Farris, Jr., USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 233).

*Lt. Gen. Claude M. Kicklighter, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 234).

*Lt. Gen. James F. McCall, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 235).

*Lt. Gen. George R. Stotser, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 236).

*Lt. Gen. Johnnie H. Corns, USA, for reappointment to the grade of lieutenant general (Reference No. 237).

*Maj. Gen. Merle Freitag, USA, to be lieutenant general (Reference No. 238).

*Maj. Gen. James H. Johnson, Jr., USA to be lieutenant general (Reference No. 240).

*Maj. Gen. James D. Starling, USA, to be lieutenant general (Reference No. 241).

*Vice Adm. James F. Dorsey, Jr., USN, to be placed on the retired list in the grade of vice admiral (Reference No. 243).

*Vice Adm. Ronald M. Eycchison, USN, to be placed on the retired list in the grade of vice admiral (Reference No. 244).

*Vice Adm. John K. Ready USN, to be placed on the retired list in the grade of vice admiral (Reference No. 245).

**In the Air Force there are 38 appointments to the grade of colonel and below (list begins with Edward L. McGovern) (Reference No. 247).

**In the Army there are 8 appointments to the grade of colonel and below (list begins with Thomas R. Hawks) (Reference No. 248).

**In the Marine Corps there is 1 appointment to the grade of colonel (Astronaut Robert D. Cabana) (Reference No. 249).

**In the Navy and Naval Reserve there are 35 appointments to the grade of commander and below (list begins with Gary T. Ambrose) (Reference No. 250).

**In the Air Force there are 742 promotions to the grade of colonel (list begins with Thomas D. Accola) (Reference No. 251).

**In the Air Force Reserve there are 1,150 promotions to the grade of lieutenant colonel (list begins with Robert A. Abendschein) (Reference No. 252).

**In the Army Reserve there are 59 promotions to the grade of colonel and below (list begins with Robert A. Cocroft) (Reference No. 253).

**In the Army there are 60 promotions to the grade of lieutenant colonel and below (list begins with Margare Applewhite) (Reference No. 254).

**In the Army there are 332 appointments to the grade of second lieutenant (list begins with Carey M. Alumbaugh) (Reference No. 255).

**In the Army there are 983 appointments to the grade of captain and below (list begins with Anthony P. Aaron) (Reference No. 256).

**In the Naval Reserve there are 465 promotions to the grade of captain (list begins with Charles Llewellyn Adams) (Reference No. 257).

**In the Navy and Naval Reserve there are 777 appointments to the grade of commander and below (list begins with Stephen R. Luoma) (Reference No. 258).

*In the Army Reserve there are 8 appointments to the grade of major general and below (list begins with Arthur H. Baiden III) (Reference No. 266).

*Captain Donald K. Muchow, USN to be rear admiral (lower half) (Reference No. 267).

**In the Air Force Reserve there are 20 promotions to the grade of lieutenant colonel (list begins with John b. Cooper) (Reference No. 268).

**In the Air Force Reserve there are 22 promotions to the grade of lieutenant colonel (list begins with George W. Bowen) (Reference No. 269).

*Lt. Gen. Ellie G. Shuler, Jr., USAF, to be placed on the retired list in the grade of lieutenant general (Reference No. 277).

*Lt. Gen. Trevor A. Hammond, USAF, for reappointment to the grade of lieutenant general (Reference No. 278).

*Maj. Gen. Charles J. Searock, Jr., to be lieutenant general (Reference No. 279).

*Rear Adm. Donald F. Hagen, USN, to be Chief of the Bureau of Medicine and Surgery and Surgeon General, and vice admiral (Reference No. 280).

**In the Air Force Reserve there are 24 promotions to the grade of lieutenant colonel (list begins with James L. Abernathy) (Reference No. 281).

**In the Air Force Reserve there are 27 promotions to the grade of lieutenant colonel (list begins with Michael R. Bachman) (Reference No. 282).

**In the Army Reserve there are 39 promotions to the grade of colonel and below (list begins with Rafael A. Acevedo) (Reference No. 283).

**In the Navy and Naval Reserve there are 23 appointments to the grade of commander and below (list begins with Robert S. Baron) (Reference No. 284).

**In the Marine Corps there are 71 appointments to the grade of second lieutenant (list begins with John L. Albers) (Reference No. 285).

**In the Marine Corps there are 416 appointments to the grade of major (list begins with Robert J. Abblitt) (Reference No. 289).

*Lt. Gen. Donald L. Cromer, USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 291).

*Maj. Gen. Edward P. Barry, Jr., USAF to be lieutenant general (Reference No. 292).

*Maj. Gen. Martin J. Ryan, Jr., USAF to be lieutenant general (Reference No. 293).

*In the Air Force there are 26 appointments to the grade of major general (list begins with Lawrence E. Boese) (Reference No. 294).

**In the Army there are 5 promotions to the grade of colonel and below (list begins with Barbara G. Covington) (Reference No. 295).

*Vice Adm. Peter M. Hekman, Jr., USN, to be placed on the retired list in the grade of vice admiral (Reference No. 305).

*Rear Adm. Richard C. Macke, USN, to be vice admiral (Reference No. 306).

**In the Navy there are 753 promotions to the grade of commander (list begins with Robert David Abel) (Reference No. 307).

*Lt. Gen. Dave R. Palmer USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 317).

Total: 10,210.

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. BIDEN:

S. 1043. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact police officers' bills of rights, to provide standards and protections for the conduct of internal police investigations, and for other purposes; to the Committee on the Judiciary.

By Mr. GLENN (for himself, Mr. LEVIN, and Mr. AKAKA):

S. 1044. A bill entitled the "Federal Resources Management Act"; to the Committee on Governmental Affairs.

By Mrs. KASSEBAUM (for herself, Mr. DOLE, and Mr. CONRAD):

S. 1045. A bill to amend the Internal Revenue Code of 1986 to extend treatment of certain rents under section 2032A to lineal descendants; to the Committee on Finance.

By Mr. BIDEN (for himself, Mrs. KASSEBAUM, and Mr. MITCHELL):

S. 1046. A bill to provide for the establishment of an international arms suppliers regime to limit the transfer of armaments to nations in the Middle East; to the Committee on Foreign Relations.

By Mr. CRANSTON (by request):

S. 1047. A bill to amend title 38, United States Code, to require, after the effective date of this amendment, licensure, certification or registration of social workers appointed in the Department of Veterans Affairs; to the Committee on Veterans Affairs.

By Mr. DURENBERGER (for himself and Mr. WELLSTONE):

S. 1048. A bill to establish the Upper Mississippi River Environmental Education Center; to the Committee on Environmental and Public Works.

By Mr. LEVIN (for himself, Mr. MOYNIHAN, Mr. SIMON, Mr. CRANSTON, and Mr. KERRY):

S. 1049. A bill to amend the Public Health Service Act to provide financial assistance to hospitals with a significant number of emergency department visits resulting from drug-related abuse and violence, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (by request):

S. 1050. A bill to amend title 38, United States Code, to allow the U.S. Court of Veterans Appeals to accept voluntary services and gifts and bequests, and for other purposes; to the Committee on Veterans Affairs.

By Mr. ROTH:

S. 1051. A bill to suspend temporarily the duty on N,N-dimethyl-N' (3-((methylamino) carbonyl) oxy)phenyl)methanimidamide monohydrochloride; to the Committee on Finance.

S. 1052. A bill to extend the temporary suspension of duty on 7-Acetyl-1,1,3,4,4,6-hexamethyletrahydronaphthalene; to the Committee on Finance.

S. 1053. A bill to suspend temporarily the duty on pectin; to the Committee on Finance.

S. 1054. A bill to suspend temporarily the duty on 3-dimethylaminomethyleneiminophenol hydrochloride; to the Committee on Finance.

By Mr. DOLE (for Mr. DANFORTH) (for himself and Mr. BOND):

S. 1055. A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to improve pipeline safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN (for himself and Mr. BURDICK):

S. 1056. A bill to provide for an architectural and engineering design competition for the construction, renovation, and repair of certain public buildings, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INOUYE (for himself, Mr. MCCAIN, Mr. SIMON, Mr. AKAKA, and Mr. CONRAD):

S. 1057. A bill to establish a permanent National Native American Advisory Commission, to remove restrictions regarding the reorganization of the Bureau of Indian Affairs, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. GRASSLEY:

S. 1058. A bill to extend the existing suspension of duty on certain sulfonamides; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1059. A bill to amend chapter 67 of title 10, United States Code, to grant eligibility for retired pay to certain personnel who were members of the reserve components or other nonregular components of the Armed Forces before August 16, 1945, and did not perform active duty during certain periods, and for other purposes; to the Committee on Armed Services.

By Mr. HARKIN (for himself, Mrs. KASSEBAUM, Mr. DASCHLE, Mr. GRASSLEY, Mr. BURDICK, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. SIMON, and Mr. CONRAD):

S. 1060. A bill to authorize appropriations for Local Rail Freight Assistance through fiscal year 1994; to the Committee on Commerce, Science, and Transportation.

By Mr. CONRAD (for himself, Mrs. KASSEBAUM, and Mr. EXON):

S. 1061. A bill to amend the Internal Revenue Code of 1986 to extend treatment of certain rents under section 2032A to all qualified heirs; to the Committee on Finance.

By Mr. ROTH:

S. 1062. A bill to provide television broadcast time without charge to Senate candidates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself, Mr. AKAKA, Mr. MURKOWSKI, and Mr. COCHRAN):

S. 1063. A bill to provide education loans to students entering the teaching profession and to provide incentives for students to pursue teaching careers in areas of national significance; to the Committee on Labor and Human Resource.

By Mr. GLENN (for himself and Mr. METZENBAUM):

S. 1064. A bill to establish the Dayton Aviation Heritage National Historical Park in Dayton, OH, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SIMON:

S. 1065. A bill to authorize the Secretary of Transportation to carry out a rail-highway crossing program to improve highway and rail traffic safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 1066. A bill to authorize appropriations for fiscal years 1992 and 1993 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal years 1992 and 1993, and for other purposes; to the Committee on Armed Services.

By Mr. LAUTENBERG:

S. 1067. A bill to amend the Urban Mass Transportation Act of 1964 to provide for grants and loans to private nonprofit corporations and associations to be used to pay operating expenses related to new and existing mass transportation services for elderly and handicapped persons; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself and Mr. ROBB):

S. 1068. A bill to declare a portion of the Appomattox River, Virginia, to be not navigable water within the meaning of the Constitution and laws of the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. MITCHELL (for himself, Mr. BURDICK, Mr. MOYNIHAN, Mr. BAUCUS, Mr. JEFFORDS, Mr. LIEBERMAN, and Mr. KASTEN):

S. 1069. A bill to assess and protect the quality of the Nation's lakes; to the Committee on Environment and Public Works.

By Mr. MITCHELL (for himself and Mr. LAUTENBERG):

S. 1070. A bill to protect the coastal areas, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DECONCINI:

S. 1071. A bill to amend the Immigration Act of 1990 to extend for 4 months the application deadline for special temporary protected status for Salvadorans; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. CHAFEE, Mr. METZENBAUM, Mr. LIEBERMAN, Mr. EXON, Mr. ADAMS, Mr. SIMON, Mr. BRADLEY, and Mr. DIXON):

S. 1072. A bill to amend title 23, United States Code, with respect to gross vehicle weights on the National System of Interstate and Defense Highways, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DODD:

S. 1073. A bill to amend the Social Security Act to provide for the creation and operation of the Children's Investment Trust, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. DODD):

S. 1074. A bill to amend the Food, Drug, and Cosmetic Act to revise the authority under that Act to regulate pesticide chemical residues in food; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (for himself, Mr. DECONCINI, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. SPECTER, Mr. JEFFORDS, Mr. GLENN, Mr. PELL, Mr. BIDEN, Mr. BURDICK, Mr. DIXON, Mr. BOREN, Mr. REID, Ms. MIKULSKI, Mr. SHELBY, Mr. HATCH, Mr. PACKWOOD, Mr. STEVENS, Mr. D'AMATO, Mr. COCHRAN, Mr. BROWN, Mr. CRAIG, and Mr. SEYMOUR):

S.J. Res. 145. A joint resolution designating the week beginning November 10, 1991, as "National Women Veterans Recognition Week"; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S.J. Res. 146. A joint resolution designating July 2, 1991, as "National Literacy Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. Res. 125. A bill to extend congratulations to the towns of Derby and Ansonia, CT, on the occasion of the bicentennial of the appointment of David Humphreys as the United States' first Ambassador; to the Committee on Foreign Relations.

By Mr. SMITH (for himself, Mr. COATS, Mr. MCCAIN, and Mr. DOLE):

S. Res. 126. A resolution encouraging the President to exercise the line-item veto; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. BIDEN:

S. 1043. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact police officers' bills of rights, to provide standards and protections for the conduct of internal police investigations, and for other purposes; to the Committee on the Judiciary.

POLICE OFFICERS' BILL OF RIGHTS ACT

Mr. BIDEN. Mr. President, today I am introducing the Police Officers' Bill of Rights Act of 1991. This bill is aimed at protecting the rights of law enforcement officers against the injustices that occur to them while they are attempting to help us.

The introduction of this bill is particularly timely because this week is the week the Nation honors the brave women and men who have paid the ultimate sacrifice in defense of our families and our homes. National Law Enforcement Week is a time for reflection, a time to express our gratitude to the "troops" at home who are not honored with homecoming parades because their war is being fought every single solitary day they strap on a gun and walk out to protect us.

Police work is an incredibly difficult job, demanding split-second decisions that have life-or-death consequences. My colleagues may be surprised to find that despite the critical role that front-line law enforcement officers play to enforce the constitutional rights and guarantees of all Americans and the related need to guarantee the highest standard of police conduct, internal disciplinary procedures in law enforcement agencies continue to vary widely across the Nation and in my view deny on many occasions police rights which we take for granted when we are accused of something.

The often ad hoc procedures that many departments use to guide internal investigations frequently allows police executives to take arbitrary and unfair actions against innocent police officers, while allowing culpable officers to avoid any punishment at all.

The police officers' bill of rights is designed to replace the ad hoc nature of many internal police investigations by encouraging States to provide minimum procedural standards to guide such investigations. The standards and protections offered by my bill are modeled on the Standards for Law Enforcement Agencies developed by the National Commission on Accreditation for Law Enforcement.

As the preface of the Commission's standards on internal affairs notes:

> The internal affairs function is important for the maintenance of professional conduct in a law enforcement agency. The integrity of the agency depends on the personal integrity and discipline of each employee. To a large degree, the public image of the agency is determined by the quality of the internal affairs function in responding to allegations of misconduct by the agency or its employees.

The specific standards and rights guaranteed by the bill I am introducing today include things that we assume, I believe, already exist but do not in many places. They include:

The right to engage or not to engage in political activities independent of an officer's official capacity;

The right to be informed by a written statement of the charges brought against an officer;

The right to be free from undue coercion or harassment during an investigation; and

The right to counsel during an investigation; all things that I think the average American assumes that they have a right to were they before a police organization.

The provisions of this bill will take effect at the end of the second full legislative term of each State. After such time, a law enforcement officer whose rights have been abridged may sue in State court for pecuniary and other damages, including full reinstatement if their rights have been violated.

Although the bill provides certain procedural rights, it gives States considerable discretion in implementing these safeguards, including the flexibility to provide for summary punishment and emergency suspensions of law enforcement officers.

It is also important to note what the bill does not do. The bill explicitly provides that the standards and protections governing internal investigations shall not apply to investigations of criminal misconduct by law enforcement officers. As a result, criminal investigations, such as the investigation of the recent allegations of police brutality in Los Angeles and New York, would not be affected by this bill.

Moreover, the protections in my bill do not apply to minor violations of departmental rules or regulations, nor to actions taken on the basis of an officers' employment-related performance.

Mr. President, this week, we reflect on the courage and self-sacrifice of the young men and women who lost their lives in the defense of our families and homes as police officers. As we honor these fallen heroes, I think we should also reflect on the commitment of those brave individuals who continue to risk their lives by providing front-line law enforcement officers with the protections they deserve. Ones which we as Americans would expect for ourselves.

Mr. President, I ask unanimous consent that a factsheet laying out elements of the bill along with a copy of the bill, which already has a number S. 1043, be printed in the RECORD.

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

S. 1043

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 "Police Officers' Bill of Rights Act of 1991".

SEC. 2. RIGHTS OF LAW ENFORCEMENT OFFICERS.

Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781 et seq.) is amended by adding at the end thereof the following new section:

"RIGHTS OF LAW ENFORCEMENT OFFICERS

"SEC. 819. (a) POLITICAL ACTIVITY.—Except when on duty or acting in an official capacity, no law enforcement officer shall be prohibited from engaging in political activity or be denied the right to refrain from engaging in such activity.

"(b) RIGHTS OF LAW ENFORCEMENT OFFICERS WHILE UNDER INVESTIGATION.—When a law enforcement officer is under investigation or is subjected to questioning for any reason, other than in connection with an investigation or action described in subsection (h), under circumstances that could lead to disciplinary action, the following minimum standards shall apply:

"(1) Questioning of the law enforcement officer shall be conducted at a reasonable hour, preferably when the law enforcement officer is on duty, unless exigent circumstances otherwise require.

"(2) Questioning of the law enforcement officer shall take place at the offices of those conducting the investigation or the place where such law enforcement officer reports for duty unless the officer consents in writing to being questioned elsewhere.

"(3) The law enforcement officer under investigation shall be informed, at the commencement of any questioning, of the name, rank, and command of the officer conducting the questioning.

"(4) During any single period of questioning of the law enforcement officer, all questions shall be asked by or through a single investigator.

"(5) The law enforcement officer under investigation shall be informed in writing of the nature of the investigation prior to any questioning.

"(6) Any questioning of a law enforcement officer in connection with an investigation shall be for a reasonable period of time and shall allow for reasonable periods for the rest and personal necessities of the law enforcement officer.

"(7) No threat against, harassment of, or promise or reward (except an offer of immunity from prosecution) to any law enforcement officer shall be made in connection with an investigation to induce the answering of any question.

"(8) All questioning of any law enforcement officer in connection with the investigation shall be recorded in full in writing or by electronic device, and a copy of the transcript shall be made available to the officer under investigation.

"(9) The law enforcement officer under investigation shall be entitled to the presence of counsel (or any other one person of the officer's choice) at any questioning of the officer, unless the officer consents in writing to being questioned outside the presence of counsel.

"(10) At the conclusion of the investigation, the person in charge of the investigation shall inform the law enforcement officer under investigation, in writing, of the investigative findings and any recommendation for disciplinary action that the person intends to make.

"(11) A law enforcement officer who is brought before a disciplinary hearing shall be provided access to all transcripts, records, written statements, written reports and analyses and video tapes pertinent to the case that—

"(A) contain exculpatory information;

"(B) are intended to support any disciplinary action; or

"(C) are to be introduced in the disciplinary hearing.

"(c) OPPORTUNITY FOR A HEARING.—(1) Except in a case of summary punishment or emergency suspension described in subsection (d), if an investigation of a law enforcement officer results in a recommendation of disciplinary action, the law enforcement agency shall notify the law enforcement officer that the officer is entitled to a hearing on the issues by a hearing officer or board.

"(2)(A) Subject to subparagraph (B), a State shall determine the composition of a disciplinary hearing board and the procedures for a disciplinary hearing.

"(B) A disciplinary hearing board that includes employees of the law enforcement agency of which the officer who is the subject of the hearing is a member shall include at least one law enforcement officer of equal or lesser rank to the officer who is the subject of the hearing.

"(3) A disciplinary hearing board shall not have power to impose disciplinary action against a law enforcement officer that is more severe than the action recommended by the person in charge of the investigation of the officer.

"(d) SUMMARY PUNISHMENT AND EMERGENCY SUSPENSION.—(1) This section does not preclude a State from providing for summary punishment or emergency suspension for misconduct by a law enforcement officer.

"(2) An emergency suspension shall not affect or infringe on the health benefits of a law enforcement officer.

"(e) NOTICE OF DISCIPLINARY ACTION.—When disciplinary action is to be taken against a law enforcement officer, the officer shall be notified of the action and the reasons therefor a reasonable time before the action takes effect.

"(f) RETALIATION FOR EXERCISING RIGHTS.—There shall be no penalty or threat of penalty against a law enforcement officer for the exercise of the officer's rights under this section.

"(g) OTHER REMEDIES NOT IMPAIRED.—(1) Nothing in this section shall be construed to impair any other legal remedy that a law enforcement officer has with respect to any rights under this section.

"(2) A law enforcement officer may waive any of the rights guaranteed by this section.

"(h) APPLICATION OF SECTION.—This section does not apply in the case of—

"(1) an investigation of criminal conduct by a law enforcement officer; or

"(2) a nondisciplinary action taken in good faith on the basis of a law enforcement officer's employment-related performance.

"(i) DEFINITIONS.—For the purposes of this section—

"(1) the term 'disciplinary action' means the suspension, demotion, reduction in pay or other employment benefit, dismissal, transfer, or similar action taken against a law enforcement officer as punishment for misconduct;

"(2) the term 'emergency suspension' means temporary action imposed by the head of the law enforcement agency when that official determines that the action is in the best interests of the public;

"(3) the term 'summary punishment' means punishment imposed for a minor violation of a law enforcement agency's rules and regulations that does not result in disciplinary action;

"(4) the term 'law enforcement agency' means a public agency charged by law with the duty to investigate crimes or apprehend or hold in custody persons charged with or convicted of crimes; and

"(5) the term 'law enforcement officer' means a full-time police officer, sheriff, or correctional officer of a law enforcement agency.

"(j) PROHIBITION OF ADVERSE MATERIAL IN OFFICER'S FILE.—A law enforcement agency shall not insert any adverse material into the file of any law enforcement officer unless the officer has had an opportunity to review and comment in writing on the adverse material.

"(k) DISCLOSURE OF PERSONAL ASSETS.—A law enforcement officer shall not be required or requested to disclose any item of the officer's personal property, income, assets, sources of income, debts, personal or domestic expenditures (including those of any member of the officer's household), unless

"(1) the information is necessary in investigating a violation of any Federal, State, or local law, rule, or regulation with respect to the performance of official duties; or

"(2) such disclosure is required by Federal, State, or local law.

"(l) ENFORCEMENT OF PROTECTIONS FOR LAW ENFORCEMENT OFFICERS.—(1) A State shall have not more than 2 legislative sessions to enact a Law Enforcement Officers' Bill of Rights that provides rights for law enforcement officers that are substantially similar to the rights afforded under this section.

"(2) After the expiration of the time limit described in paragraph (1), a law enforcement officer shall have a cause of action in State court for the recovery of pecuniary and other damages and full reinstatement against a law enforcement agency that materially violates the rights afforded by this section.

"(3) The sovereign immunity of a State shall not apply in the case of a violation of the rights afforded by this section.

"(m) STATES' RIGHTS.—This section does not preempt State law or collective bargaining agreements or discussions during the collective bargaining process that provide rights for law enforcement officers that are substantially similar to the rights afforded by this section.".

FACTSHEET: POLICE OFFICERS' BILL OF RIGHTS ACT OF 1991

The Police Officers' Bill of Rights Act of 1991 provides procedural standards and safeguards for the conduct of internal investigations in law enforcement agencies.

The specific rights and protections of law enforcement officers guaranteed by this bill include:

The right to engage or refrain from independent, off-the-job political activities;

The right to be informed in writing of the charges brought against a police officer in an internal investigation;

The right to be free from undue coercion or harassment during an internal investigation; and

The right to have counsel present during interviews conducted in the course of an internal investigation.

The procedural safeguards in the Police Officers' Bill of Rights are modeled on the standards for internal investigations established by the National Commission on the Accreditation of Law Enforcement Agencies.

The bill reserves substantial discretion for states in implementing state Police Officers Bill of Rights. The protections in this bill do not apply to punishment imposed for minor violations of a department's rules, nor to ac-

tions taken on the basis of an officer's job-related performance.

Police officers whose rights are violated would be authorized to recover pecuniary and other damages, including reinstatement, by filing suit in an appropriate state court.

The Police Officers' Bill of Rights, however, would not apply to criminal investigations of police misconduct. Under this bill, police officers under criminal investigation would have the same rights—no more, no less—than other criminal defendants.

By Mr. GLENN (for himself, Mr. LEVIN, and Mr. AKAKA):

S. 1044. A bill entitled the "Federal Information Resources Management Act"; to the Committee on Governmental Affairs.

FEDERAL INFORMATION RESOURCES MANAGEMENT ACT

• Mr. GLENN. Mr. President, I am today introducing the Federal Information Resources Management Act. Senators LEVIN, and AKAKA join me as sponsors of this legislation. Upon introduction, this bill to reauthorize the Paperwork Reduction Act will be taken up by the Governmental Affairs Committee, and, I hope, will soon be returned to the full Senate for adoption. I ask that the full text of the bill be inserted in the RECORD following my remarks.

BACKGROUND

This bill is a far reaching piece of legislation, which the committee has worked on for over 2 years. It would advance the goals of the Paperwork Reduction Act and provide for more comprehensive information resources management in Federal agencies.

The bill has a number of important purposes. It would extend the authorization of appropriations for the Office of Information and Regulatory Affairs [OIRA] in the Office of Management and Budget [OMB]. It would continue and expand upon paperwork reduction efforts in the Federal Government. It would reaffirm the commitment to lifecycle management of Federal information resources. It would strengthen the information infrastructure and statistical data base of the Federal Government, including improving agency capabilities and public access to Government information. It would also improve the effectiveness and accountability of OIRA.

While this bill is new legislation in the 102d Congress, it is not news to anyone who has followed my efforts to reauthorize the Paperwork Reduction Act, something that I have most clearly committed myself to. This bill reflects the compromise reached during the closing days of the 101st Congress. This compromise involved an agreement among Democrats and Republicans in both the Senate Governmental Affairs Committee and the House Government Operations Committee, as well as the administration.

While the objections of a handful of anonymous Republican Senators killed any chance of Senate consideration of the compromise in the 101st Congress, I return to the Senate today to renew that compromise. It is a fair compromise, and it is a realistic compromise—just as it was fair and realistic 6 months ago, when Senator ROTH, ranking minority member on the Governmental Affairs Committee, and I stood before the Senate to say that we had an agreement, that the President supported it, and that our counterparts in the House supported it, as well.

To understand that this bill is a good bill and is broad enough to receive the support necessary for passage, let me review its history.

The Paperwork Reduction Act, for all its good intentions, has always been accompanied by controversy. Issues relating to OIRA paperwork clearance and regulatory review, for example, frustrated attempts to reauthorize the act between 1983 and 1986. This was one reason that the Governmental Affairs' Subcommittee on Government Information and Regulation, then chaired by the Senator from New Mexico [Mr. BINGAMAN], began addressing reauthorization before the act's September 31, 1989, expiration of authorization.

The subcommittee carefully examined a wide range of issues related to the Paperwork Reduction Act and developed legislation that would become S. 1742. After the introduction of S. 1742, additional hearings were held at the full Governmental Affairs Committee.

Throughout this time period, from mid-1989 through the summer of 1990, negotiations among staff, the administration, and the various interest groups continued. The committee markup reflected this process. It produced compromise, calls for more compromise, and calls for resolution of what appeared to some to be an untractable situation.

In the fall of 1990, further negotiations led to further compromise and the belief that a realistic workable bill was at last achieved. Unfortunately, however, reauthorization of the Paperwork Reduction Act in 1990 was not to be.

THE FEDERAL INFORMATION RESOURCES MANAGEMENT ACT OF 1991

The bill that I am introducing today reflects the substance of the fall 1990 compromise. Again, I have no doubt that this would be law now but for the objections of a few nameless Senators. Having come this far, with such a contentious matter, it seems simply foolish for individual interest groups who support the act to insist on very narrow positions regardless of the very well-known positions and power of other interest groups. While we might all wish the world was otherwise, this compromise is simply the only way to achieve reauthorization of the Paperwork Reduction Act.

The bill's major provisions include:

First, reauthorization of appropriations for OIRA for 4 years from the date of enactment;

Second, expansion of both OIRA and agency responsibilities to ensure the elimination of unnecessary Government paperwork;

Third, strengthening information resources management requirements to maximize the benefits of Government information activities, while minimizing their burdens on the public;

Fourth, articulation of basic information policy principles to reflect the positive role played by public information;

Fifth, creation of specific principles and procedures to guide agency information dissemination;

Sixth, increasing public understanding of and participation in agency and OIRA paperwork clearance decisions;

Seventh, principles and procedures to guide OIRA review of agency regulatory activities; and

Eighth, requirements for improved records management, and better reporting on routine uses of personal information under the Privacy Act.

THE LEGISLATION'S PROVISIONS

FINDINGS AND PURPOSES

Upon evaluation of the first 10 years of implementation of the paperwork Reduction Act of 1980, we have found that despite OMB and Federal agency efforts to reduce unnecessary paperwork, the paperwork burden on the public has increased. More work is needed to reduce that burden on individuals, businesses, educational institutions, and State and local governments. OMB must also do more to ensure that its review of agency submissions is done in a timely and publicly accountable manner.

We have also found that reduction of Government paperwork and the accomplishment of other important governmental purposes requires the revision of Federal information policy, particularly given the changing information needs of the Government and society. This is precisely what the Commission on Federal Paperwork recommended in 1977, and what led to the initial development of the Paperwork Reduction Act of 1980.

Improving Federal information policy requires stronger leadership from Congress and the executive branch, a clearer articulation of the Federal Government's responsibility to maintain the flow of public information, and a clearer understanding of the positive role played by public information. It is a valuable national resource that informs citizens about their Government, society, and economy. It is a means to ensure Government accountability. It is a tool for Government management. It also is often a commodity with economic value.

Improvements in Federal information policy also depend on further efforts of OMB to fulfill the various in-

formation resources management mandates of the act in order to strengthen Federal agency information management capabilities.

The legislation I am introducing today builds on these findings to clarify and expand the Paperwork Reduction Act's guiding purposes in order to give greater precision to the policies behind the act's original principles and requirements.

AUTHORIZATION OF APPROPRIATIONS

To provided an added degree of stability to OIRA operations, the authorization of appropriations is lengthened by 1 year from the current 3-year period. The bill authorizes appropriations of $5,500,000 for fiscal year 1992, $6,500,000 for 1993, and $7 million for each of 1994 and 1995.

THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS

Implementation of the Paperwork Reduction Act depends most clearly on the efforts of the Office of Management and Budget's Office of Information and Regulatory Affairs [OIRA], which was created by the act. In order to strengthen OIRA's ability to perform its duties under the act, the bill mandates that the head of OIRA be appointed with special attention to his or her qualifications and credentials as they relate to the functions of the office.

The bill also addresses the specific functions delegated to OIRA. It strengthens the act's requirements for OIRA attention to information resources management, the reduction of information collection burdens, statistics, privacy, information dissemination, and information technology.

FEDERAL AGENCY RESPONSIBILITIES

To complement added responsibilities for OIRA, the bill expands Federal agency responsibilities to carry out the various purposes of the act. It strengthens the requirements for agency institutional commitment to information resources management efforts. This includes a variety of management efforts, one of which is ensuring the establishment of a complementary agency capability to gather public comments and assess the burdens of its information collection activities, and to review paperwork proposals before they are submitted to OIRA for review.

The bill also establishes specific provisions to guide agency information dissemination activities. Again, this complements the articulation of specified OIRA information dissemination functions. In both cases, these provisions give detail to general dissemination management sections already in the act.

The bill lays out the important public policy principles that should govern information dissemination by Federal agencies, for example the responsibility to establish and maintain systems for dissemination of information to ensure timely, equitable, and equal public access to Government information. To carry out these principles, the bill provides specific guidelines to govern the dissemination of significant information products or services. These new provisions are needed to ensure that as agencies enter the electronic information age their significant information dissemination activities be designed with particular attention to their impact on public access to public information, and that any impediments to broad public access to information be narrowly drawn.

In total, the dissemination provisions represent an approach that is balanced between decentralized agency responsibilities and centralized OMB management oversight, between the Government's obligation to disseminate public information and recognition of the vital role of the private information industry inproviding information to the public, and between the commitment to ensure the free flow of public information and the need to manage Government operations consistent with the proper performance of agency functions. Altogether, I believe this approach works and is without a doubt necessary to help move the Federal Government into the electronic information age.

PAPERWORK CLEARANCE

The provisions of the act that have always had the broadest interest are those relating to the reductions of burdens imposed on the public by Federal Government information collection activities. These paperwork reduction requirements are also a matter of longstanding Government policy, having been first enacted in the Federal Reports Act of 1942.

The legislation I am introducing today explicitly maintains and strengthens the act's paperwork reduction provisions. It links the act's traditional 5 percent paperwork reduction goal to findings of unnecessary paperwork as opposed to the symbolic but ultimately senseless requirement that information collection burdens simply be reduced by 5 percent each year.

Further reality is given to the goal provision by requiring that the Administrator identify initiatives to eliminate unnecessary burdens of Federal information collections, as well as areas of duplicative information requests and develop a schedule and methods for eliminating them.

Responding to continuing concerns about public participation in information collection decisions, the bill standardizes agency practices to ensure the establishment of an agency public file for information relating to activities reviewed by OIRA. It ensures that agency paperwork notices contain sufficient information so as to reasonably inform the public about the substance of information collection activities. It creates a 30-day public comment period so that the public can comment to OIRA before it makes any paperwork clearance decision. It also requires OIRA to make public and more fully explain its paperwork clearance decisions.

In a dual effort to strengthen agency internal paperwork review responsibilities and to streamline OIRA review of uncontroversial paperwork, the Governmental Affairs Committee labored to come up with a process that would improve decisionmaking without unduly burdening agencies or OIRA. The result is an internal agency review and public comment process, generally described as the agency self-certification process.

The self-certification process does not weaken OIRA paperwork clearance, but rather increases agency responsibility to more closely scrutinize its own information collection activities. It should be apparent to all that paperwork reduction will never truly be realized until each Federal agency institutionalizes the principles of paperwork reduction and is able to more effectively manage its own information activities. The self-certification process is intended to continue the movement in this direction, while retaining OIRA management controls. This is entirely consistent with the act's original provision for OIRA delegation of paperwork clearance to agencies that prove capable of managing their own information collection activities.

The paperwork clearance process is also altered to allow for expedited approval of burden reduction proposals when agencies revise current information collection activities to reduce their paperwork burden. This is a simple provision which merely gives agencies an incentive to reduce all unnecessary paperwork burdens.

The legislation maintains the act's original provisions for OIRA review of information collection requirements contained in rules. This continues to be an essential element of the act. It ensures that regulatory paperwork is cleared by OIRA, but is done so in a manner consistent with the rulemaking process created by the Administrative Procedure Act. The legislation's new self-certification provisions for regulatory paperwork are consistent with this important purpose and are not intended to alter the existing balance between agencies and OIRA.

OTHER MANAGEMENT IMPROVEMENT INITIATIVES

In the attempt to support OIRA and agency efforts to reduce paperwork and otherwise improve the management of Federal information resources, the legislation makes a number of other changes in current law.

It strengthens the requirements for the creation of a Federal Locator System [FILS]. This has been a neglected part of the Paperwork Reduction Act, but advances in information technology and improved understanding of FILS' purposes suggest that the time is

ripe for development of a workable inventory and locator system for Government information resources. Such a system, or set of systems, has the potential to assist agency management of information, better inform agencies and the public about information collection activities, and improve public access to public information.

The bill requires each agency with an information technology budget over $50 million annually to establish an agency oversight committee to review major automatic data processing projects. In addition, OIRA must issue criteria for agency evaluation of major ADP projects.

The bill strengthens requirements for Government information resources management planning, consultation with the public, and reporting to Congress. Again, this should help not only in the fight against unnecessary paperwork, but also in the effort to improve information resources management and Federal information policy.

The bill revises current records management requirements to clarify the authority of the National Archives and Records Administration to issue binding agency records management regulations, including the definition of record, and to inspect agency records to ensure compliance with records management requirements and to determine whether specific agency records warrant preservation.

The bill improves review and reporting on routine uses of personal information under the Privacy Act. This is necessary given the inadequate attention given by OIRA and virtually all Federal agencies to the personal privacy protections provided by the Privacy Act. Particularly, as the Federal Government enters the electronic information age, it is very important that everyone appreciate the consequences for personal privacy created by government use of information about individuals.

REGULATORY REVIEW—THE MOST CONTENTIOUS ISSUE

Among the bill's provisions, I think it is fair to say that only one remains very contentious and deserves a more detailed explanation. That provision is, of course, concerned with regulatory review.

As a preface, I must note that its status as a statutory provision is the only new element from last fall's compromise. I say its status, because part of last fall's agreement was that upon enactment of the compromise reauthorization legislation, the President would issue an executive order covering OIRA regulatory review. Title II of the present bill is that agreed-upon order—the only changes being those required to transform it into statutory language.

In including the regulatory review provision, I wish to make it very clear that my intention is to hold up my end of a fair bargain. I stand by the agreement I made 6 months ago with the administration, and with Democrats and Republicans in both the Senate and the House.

I stand by that agreement because after 2 years of trying, I firmly believe that without this reasonable compromise, the diverse interests with a stake in the Paperwork Reduction Act and OIRA will succeed only in dooming reauthorization of this very important Act. The truth of the matter is that while different sets of interest groups have enough clout to kill any bill they do not like, none has the power to assure passage of their preferred legislation. I say this not to criticize any of the groups, but merely to state a fact.

And let me recall a little history. The Paperwork Reduction Act was not authorized between 1983 and 1986. It remained unauthorized despite repeated attempts to craft legislation by both Republican and Democratic members of the Governmental Affairs Committee, then chaired by our current ranking minority member, WILLIAM ROTH. The stumbling blocks then were precisely the same issues that are now frustrating reauthorization. And rest assured, when the act was finally reauthorized, it was not because of any resolution of those issues, but because the bill was inserted into the continuing resolution.

This brings me back to the present. Six months ago we had a good compromise that should have worked. Now we face the prospect of going back to square one. I want the Paperwork Reduction Act reauthorized as much as anyone, but I am a realist. I will not beat my head against a locked door. Thus, I say again that I will stand by my agreement, and absent administration support for the agreement, the least I can do is preserve the regulatory review portion in legislation.

As for the regulatory review procedures themselves: Lest anyone has forgotten, their origin is found in the long record of Governmental Affairs Committee attention, both under Democratic and Republican leadership, to repeated concerns raised about OIRA interference with the regulatory process and the need for more sunshine on the OIRA process.

While the administration opposed legislating in this area, finally in 1990 it did agree to a new set of regulatory review procedures to strengthen the disclosure procedures contained in the 1986 memorandum issued by then OIRA Administrator, Wendy Gramm. That memo was itself the product of negotiations between OMB and Senators CARL LEVIN and DAVE DURENBERGER. As in 1986, Senator LEVIN played a significant role in helping to reach the 1990 agreement.

The agreement and the bill I am introducing today contain:

Basic Principles For OIRA Regulatory Review. These will provide that OIRA review must comport with the Administrative Procedure Act and substantive legislative requirements of agencies.

The 1986 Public Disclosure Procedures. These provisions will continue to help insure public participation in rulemaking by giving the public access to regulatory materials. This includes draft regulatory proposals, letters concerning such proposals, and lists of relevant meetings and conversations.

Time Limits For OIRA Regulatory Review. This is perhaps the most important new provision. OIRA will have 60 days to review draft rules. For good cause and with notice to the agency, OIRA may take another 30 days.

While the President or his designee may extend these deadlines to resolve outstanding issues, OIRA must notify the public when the initial 60-day period has expired. Such notices must be placed in the OIRA public reading room as well as published in the Federal Register by the agency.

OIRA Notice Requirements. OIRA must notify agencies of review decisions and publish a monthly log of those decisions. Moreover, agencies must publish in the Federal Register monthly lists of draft rules for which OIRA regulatory review has been completed.

In addition to these provisions, OMB Director Richard Darman assured Senator LEVIN and me that even under current procedures OIRA will promptly respond to any request from any Member of Congress as to the status of a particular rule under review at OIRA.

These provisions, with the combination of time limits, notice requirements, and monthly logs, assure agencies and the public that draft rules will no longer be lost in any OMB black hole. They will know which draft rules have made it through OIRA, which have not, and the significant problems OIRA has raised about such draft rules.

CHANGES FROM LAST FALL

The bill I am introducing today does omit four provisions found in last fall's compromise. First, we have dispensed with the creation of a Commission on Information Policy. It seems to be unnecessary given weak support for it last year, as well as the fact that the bill continues to contain a mandate for OMB to establish advisory committees on statistics and information policy. Eliminating the Commission will also save $1 million. Second, we have deleted provisions relating to mandatory use of FTS 2000, an ADP inventory, and the application of new information dissemination standards to the National Library of Medicine [NLM]. With regard to FTS 2000, the Senate has repeatedly stood behind mandatory use of FTS 2000. This is reflected in the current mandate in appropriations law. In addition, the Governmental Affairs

Committee held a hearing on FTS 2000 on March 20, 1991, and will direct more attention to the issues surrounding FTS 2000 in the near future. We also plan to give the other issues more complete consideration at the committee level.

CONCLUSION: A GOOD COMPROMISE

In introducing this bill today, I want to make it very clear that I am standing by my commitment to work for the reauthorization of the Paperwork Reduction Act. This is a good bill that strengthens the act. It is also a realistic bill that stands an excellent chance of passage.

I also want to make it very clear that in introducing this bill I am standing by the commitment I made 6 months ago to the other members of the Governmental Affairs Committee, both Democrat and Republican, to Democratic and Republican members of the House Government Operations Committee, and to the administration, to agree to a compromise solution to what had otherwise become a seemingly intractable problem.

Incidentally, part of that agreement was and continues to be that the Governmental Affairs Committee will examine the issues surrounding third party disclosure requirements and the Supreme Court decision, Dole versus United Steelworkers, upon Senate passage of this legislation.

In standing by the agreement I must say again that this bill is not a starting point. It is the ending point. I have no doubt that any other approach will make reauthorization virtually impossible for the foreseeable future.

Again, I believe this bill is a good bill and that it will improve the operations of OIRA and will serve the public interest. It will improve the paperwork review process, our information policy setting process, and the regulatory review process. I urge my colleagues to support its passage.

I ask unanimous consent that the full text of the bill be printed.

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

S. 1044

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 Information Resources Management Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) Federal information policy requires revision and updating;

(2) despite the significant effort to reduce unnecessary paperwork burden, such burden has continued to increase;

(3) more needs to be done to eliminate any unnecessary paperwork burden on individuals, businesses, educational institutions, and State and local governments, particularly with respect to any unnecessary burden associated with Federal procurement, grant programs, Federal taxation, and United States international competitiveness;

(4) the Office of Management and Budget must do more to fulfill its full range of information policy functions in order to meet the changing information needs of the Government and society;

(5) the information resources management concept is not well understood in Federal agencies, and the Office of Management and Budget needs to do more to promote this concept as a means of strengthening agency information management capabilities;

(6) coordination of Federal information policy depends on stronger leadership from the Congress and the executive branch;

(7)(A) the unrestricted flow of public information from the Federal Government to citizens of the United States is essential to the proper operation of the United States as a democratic society;

(B) public information is a valuable national resource that provides citizens with knowledge of their Government, society, and economy—past, present, and future; and

(C) public information is a means to ensure the accountability of Government and is an essential tool for managing the Government's operations and it also is often a commodity with economic value in the marketplace;

(8) the Federal Government has the responsibility to ensure the flow of public information between the Government and its citizens; and

(9) the Office of Management and Budget review of Federal agency submissions requires less delay and more public accountability.

SEC. 3. TABLE OF CONTENTS.

The contents of this Act are as follows:

Sec. 1. Short title.
Sec. 2. Findings.
Sec. 3. Table of contents.
TITLE I—INFORMATION RESOURCES MANAGEMENT OF FEDERAL DEPARTMENTS AND AGENCIES
Sec. 101. Purposes.
Sec. 102. Definitions.
Sec. 103. Office of Information and Regulatory Affairs.
Sec. 104. Authority and functions of the Director.
Sec. 105. Paperwork reduction goals.
Sec. 106. Federal agency responsibilities.
Sec. 107. Approval and delegation of information collection; self-certification process.
Sec. 108. Federal Information Locator System.
Sec. 109. Review of agency activities; reporting; agency response.
Sec. 110. Responsiveness to Congress.
Sec. 111. Consultation and advisory committees.
Sec. 112. Authorization of appropriations.
TITLE II—REVIEW OF FEDERAL DEPARTMENT AND AGENCY REGULATIONS
Sec. 201. Review of agency regulations by the Office of Information and Regulatory Affairs.
Sec. 202. Basic principles concerning agency rulemaking and regulatory review by the Office of Information and Regulatory Affairs.
Sec. 203. Public participation in rulemaking.
Sec. 204. Public access to regulatory review information.
Sec. 205. Time limits for review.
Sec. 206. Enhanced access to written communications from outside the Federal Government.
Sec. 207. Oral communications with persons not employed by the Federal Government.
Sec. 208. Public accounting of regulatory review activities by the Office of Information and Regulatory Affairs.
Sec. 209. Judicial review.
TITLE III—MANAGEMENT OF PUBLIC RECORDS
Sec. 301. Binding regulations concerning public records.
Sec. 302. Reports on routine uses.

TITLE I—INFORMATION RESOURCES MANAGEMENT OF FEDERAL DEPARTMENTS AND AGENCIES

SEC. 101. PURPOSES.

Section 3501 of title 44, United States Code, is amended to read as follows:

"§ 3501. Purposes

"The purposes of this chapter are to—

"(1) ensure the greatest possible public benefit from information collected, maintained, used, disseminated, and retained by the Federal Government;

"(2) eliminate any unnecessary Federal paperwork burden for individuals, small businesses, educational institutions, State and local governments, and other persons;

"(3) minimize the cost to the Federal Government of collecting, maintaining, using, retaining, and disseminating information;

"(4) emphasize Federal information resources management as a comprehensive and integrated process for improving the efficiency and effectiveness of government information activities;

"(5) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and efficiency in Government and society;

"(6) ensure that automatic data processing, telecommunications, and other information technologies are acquired and used to achieve all purposes of Federal information policy under chapter 35 of title 44, United States Code;

"(7) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information policies and practices;

"(8) improve the accountability of the Office of Management and Budget and all Federal agencies to Congress and the public for the effective implementation of this chapter;

"(9) ensure that the collection, maintenance, use, dissemination, and retention of information by the Federal Government is consistent with applicable laws, including laws relating to—

"(A) confidentiality of information, including section 552a of title 5, United States Code;

"(B) security of information including the Computer Security Act of 1987 (Public Law 100-235);

"(C) access to information, including section 552 of title 5, United States Code; and

"(D) collection, dissemination, and retaining of information, including title 44, United States Code;

"(10) encourage a diversity of public and private providers for public information products, consistent with the Government's obligation to disseminate public information;

"(11) provide for the dissemination to the public of public information products and services on timely and equal terms;

"(12) disseminate public information equitably and in a manner that promotes the usefulness of the information to the public; and

"(13) strengthen the partnership between the Federal Government and State and local

governments in the collection and sharing of government information.".

SEC. 102. DEFINITIONS.

Section 3502 of title 44, United States Code, is amended—

(1) by redesignating paragraphs (1) through (12) as paragraphs (2) through (13), respectively;

(2) by redesignating paragraphs (13) and (14) (as designated before the date of the enactment of this Act) as paragraphs (15) and (16), respectively;

(3) by redesignating paragraph (15) (as designated before the date of the enactment of this Act) as paragraph (18);

(4) by redesignating paragraph (16) (as designated before the date of the enactment of this Act) as paragraph (19) and striking out "and" at the end of such paragraph;

(5) by redesignating paragraph (17) (as designated before the date of the enactment of this Act) as paragraph (21);

(6) by inserting before paragraph (2) (as redesignated by paragraph (1) of this section) the following new paragraph:

"(1) the term 'Administrator' means the Administrator of the Office of Information and Regulatory Affairs established under section 3503;";

(7) by amending paragraph (4) (as redesignated by paragraph (1) of this section) by inserting before the semicolon "including the resources expended for reviewing instructions, searching existing data sources, obtaining, compiling, and maintaining the necessary data, completing and reviewing the collection of information, and transmitting or otherwise disclosing the information involved";

(8) by inserting after paragraph (13) (as redesignated by paragraph (1) of this section) the following new paragraph:

"(14) the term 'information resources' includes—

"(A) data and information in any format;

"(B) information resource management professionals; and

"(C) related resources such as information technology;";

(9) by amending paragraphs (15) and (16) (as redesignated by paragraph (2) of this section) to read as follows:

"(15) the term 'information resources management' means—

"(A) the process—

"(i) of defining in a systematic way the information needs to effectively accomplish the agency missions, goals, and objectives;

"(ii) of managing information resources to efficiently, economically, and equitably meet the defined information needs; and

"(iii) of integrating the skills of individuals in the various information resources management functions set forth in section 3504 of this title,

in order to provide for the information needs of the agency in a reliable, accurate, complete, and timely manner; and

"(B) such process extends through the stages of collection or creation, processing, use, retention, dissemination, and disposition of information by agencies and includes the management activities of planning, budgeting, organizing, directing, controlling, and evaluating the use of such resources;

"(16) the term 'information system' means—

"(A) information developed or acquired and maintained through either manual or automated means to fulfill an agency's mission, goals, or objectives;

"(B) the processes and procedures to obtain, maintain, use, retain, and disseminate information; and

"(C) the related information technology resources;";

(10) by inserting before paragraph (18) (as redesignated by paragraph (3) of this section) the following new paragraph:

"(17) the term 'information technology' means the hardware and software used in connection with Government information, regardless of the technology involved, and including automatic data processing equipment, as defined under section 111(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a));"; and

(11) by inserting before paragraph (21) (as redesignated by paragraph (5) of this section) the following new paragraph:

"(20) the term 'public information' means any information, regardless of format, that an agency discloses, disseminates, or makes available to the public pursuant to law, rule, regulation, policy, or practice, and any part of that information; and".

SEC. 103. OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

Section 3503 of title 44, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The Administrator shall be appointed with special attention to professional qualifications and credentials which shall include education, work experience, or related professional activities required to administer the functions of the Office of Information and Regulatory Affairs described under this chapter.".

SEC. 104. AUTHORITY AND FUNCTIONS OF THE DIRECTOR.

(a) IN GENERAL.—Section 3504(a) of title 44, United States Code, is amended to read as follows:

"(a)(1) The Director shall develop and implement Federal information policies, principles, standards, and guidelines and shall provide direction and oversee the review and approval of information collection requests, the elimination of any unnecessary paperwork burden, Federal statistical activities, records management activities, privacy and security of records, agency sharing and dissemination of information, and acquisition and use of automatic data processing, telecommunications, and other information technology for managing information resources. The authority of the Director under this section shall be exercised consistent with applicable law.

"(2) The Director shall ensure that the Office of Information and Regulatory Affairs shall give balanced emphasis to all the functions under this chapter.

"(3) The Director shall ensure that the development of information policies shall be coordinated with agencies with shared information management responsibilities under this chapter and other provisions of law.

"(4) The Director shall coordinate the development and implementation of information policy through the establishment of interagency working groups.

"(5) The Director shall ensure the development of formalized training programs on information resources management by appropriate entities, for governmentwide use, and for the education of employees of the Office of Information and Regulatory Affairs on such concepts.

"(6)(A) The Director may initiate and conduct, with selected agencies and consenting non-Federal entities as appropriate, pilot projects and similar activities to test or demonstrate the feasibility and value of changes or innovations in Federal policies, rules, regulations and agency procedures to improve information practices and related activities.

"(B) The Director shall inform the President and the Congress of the findings and progress of such projects and activities.

"(C) All Federal agencies shall cooperate to the greatest extent allowed by law with the conduct of such projects and activities.".

(b) INFORMATION COLLECTION FUNCTIONS.—Section 3504(c) (5) and (6) of title 44, United States Code, are amended to read as follows:

"(5) promoting the elimination of unnecessary burdens imposed through the collection of Federal information, with particular emphasis on those persons most heavily burdened, including small businesses, educational institutions, and State and local governments, especially in the areas of Federal procurement, grant programs, Federal-State cooperative programs, Federal taxation, and United States international competitiveness;

"(6) coordination with the Office of Federal Procurement Policy to address unnecessary paperwork burdens associated with procurement and acquisition; and".

(c) STATISTICAL POLICY AND COORDINATION FUNCTIONS.—Section 3504(d) of title 44, United States Code, is amended to read as follows:

"(d)(1) The statistical policy and coordination functions of the Director shall include—

"(A) coordinating and providing leadership for development of the Federal statistical system;

"(B) developing and periodically reviewing and, as necessary, revising long-range plans for the improved coordination and performance of the statistical activities and programs of the Federal Government;

"(C) ensuring the integrity, objectivity, impartiality, and confidentiality of the Federal statistical system;

"(D) reviewing budget proposals of agencies to ensure that the proposals are consistent with such long-range plans and developing a summary and analysis of the budget submitted by the President to the Congress for each fiscal year of the allocations for all statistical activities;

"(E) coordinating, through the review of budget proposals and as otherwise provided in this chapter, the functions of the Federal Government with respect to gathering, interpreting, and disseminating statistics and statistical information;

"(F) developing and implementing governmentwide policies, principles, standards, and guidelines concerning statistical collection procedures and methods, statistical data classification, statistical information presentation and dissemination, and such statistical data sources as may be required for the administration of Federal programs;

"(G) evaluating statistical program performance and agency compliance with governmentwide policies, principles, standards, and guidelines;

"(H) promoting the timely release by agencies of statistical data to the public;

"(I) coordinating the participation of the United States in international statistical activities, such as the development of comparable statistics;

"(J) preparing an annual report to submit to the Congress on the statistical policy and coordination function;

"(K) integrating the functions described in this paragraph with the other information resources management functions specified in this chapter; and

"(L) appointing a chief statistician who is a trained and experienced professional statistician to carry out the functions described in this paragraph.

"(2) The Director shall establish an interagency working group on statistical policy headed by the chief statistician to coordinate agency activities in carrying out the functions under paragraph (1), consisting of the heads of the agencies with major statistical programs.

"(3) The Office of Management and Budget shall provide opportunities for long-term training in the statistical policy functions of the Office of Information and Regulatory Affairs to employees of the Federal Government. Each trainee shall be selected at the discretion of the Director based on agency requests and shall serve for at least six months and no more than one year. All costs of the training are to be paid by the agency requesting training.".

(d) PRIVACY FUNCTIONS.—Section 3504(f) of title 44, United States Code, is amended—

(1) in paragraph (2) by striking out "and" at the end thereof;

(2) in paragraph (3) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(4) overseeing the development of new information systems by Federal agencies containing personal information to ensure compliance with information policies, principles, standards, and guidelines, and existing information privacy laws; and

"(5) conducting periodic reviews of agency compliance, identifying problems, and reporting the results to the Senate Committee on Governmental Affairs and the House Committee on Government Operations.".

(e) AUTOMATIC DATA PROCESSING FUNCTIONS.—Section 3504(g) of title 44, United States Code, is amended—

(1) in paragraph (4) by striking out "; and" and inserting in lieu thereof a semicolon;

(2) in paragraph (5) by striking out the period at the end and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(6) developing and implementing policy guidance that describes the system by which Federal agencies shall initiate, approve, process, and evaluate plans for major acquisitions of automatic data processing equipment, including policy guidance for—

"(A) the establishment by each Federal agency having an annual information technology budget for automatic data processing equipment in excess of $50,000,000, a review committee on major acquisitions of automatic data processing equipment, chaired by the senior information resources management official designated for the agency pursuant to subsection (b) of section 3506;

"(B) the required evaluative techniques and criteria to be used by such committees—

"(i) to estimate life-cycle costs for that equipment; and

"(ii) to assess the economy and efficiency of proposed major acquisitions of that equipment in relation to mission needs and alternative acquisition strategies;

"(C) the required independent cost evaluations, as appropriate, of data developed pursuant to subparagraph (B);

"(D) requiring that information (other than classified information) which is developed pursuant to subparagraph (B) and which pertains to any major acquisition of automatic data processing equipment shall be included with the agency's annual budget request (in information technology exhibits) if any funds included in that request will be used for the acquisition, operation, or support of such equipment, except that such information shall be withheld from public disclosure if it would adversely affect the integrity of any related procurement through the release of proprietary or procurement sensitive information;

"(E) requiring that information included in an agency's annual budget request pursuant to subparagraph (D) shall be certified by the head of the agency as being complete and accurate; and

"(F) the establishment of criteria for periodic evaluation of automatic data processing equipment, after its acquisition, to assess its compatibility with assumptions and findings made pursuant to subparagraph (B) which relate to that equipment.

In paragraph (6), the term 'automatic data processing equipment' has the meaning that term has in paragraph (2) of section 111(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2)). That paragraph does not apply to equipment or procurements described in paragraph (3) of that section.".

(f) DISSEMINATION GUIDANCE.—Section 3504 of title 44, United States Code, is amended by striking out subsection (h) and inserting in lieu thereof the following:

"(h) The information dissemination functions of the Director shall include—

"(1) issuing policy guidance, after notice and receipt of public comment, that shall—

"(A) be applied by Federal agencies disseminating public information products and services;

"(B) be consistent with and promote the purposes of this chapter and the requirements for agencies under section 3506(j);

"(C) apply to all significant public information products and services, regardless of the format in which public information is disseminated;

"(D) supplement and not replace the provisions of section 552 of title 5 and other laws specifically requiring the disclosure of public information;

"(E) supplement and not replace the provisions of chapters 1, 5, 11, 13, 15, 17, and 19 of this title; and

"(F) reflect that each agency has the final administrative responsibility for the management of its Federal information resources and its information dissemination functions; and

"(2) promoting policy research and development in the area of information dissemination as a basis for developing effective guidance for program and policy development in the Federal agencies.".

SEC. 105. PAPERWORK REDUCTION GOALS.

Section 3505 of title 44, United States Code, is amended to read as follows:

"§ 3505. Paperwork reduction goals

"In carrying out the functions under this chapter—

"(1) to the extent that existing collections of information include unnecessary collections resulting in associated burdens of more than 10 percent of the total, the Director may upon the date of the enactment of the Federal Information Resources Management Act of 1991—

"(A) set a goal to reduce by September 30, 1992, the burden of Federal collections of information existing on September 30, 1991, by at least 5 percent, focusing on those collections of information identified as unnecessary; and

"(B) for the fiscal year beginning on October 1, 1992, set a goal to reduce the burden of Federal collections of information existing at the end of that year by at least 5 percent, focusing on those collections of information identified as unnecessary; and

"(2) the Director shall in the report next issued under section 3514 after the date of the enactment of the Federal Information Resources Management Act—

"(A) identify initiatives to eliminate any unnecessary burden of Federal collections of information associated with individuals, businesses, educational institutions, and State and local governments, particularly with respect to any unnecessary burden associated with Federal procurement, grant programs, Federal taxation and United States international competitiveness; and

"(B) identify areas of unnecessary duplication in information collection requests and develop methods for eliminating such duplications.".

SEC. 106. FEDERAL AGENCY RESPONSIBILITIES.

Section 3506 of title 44, United States Code, is amended—

(1) in subsection (a) by striking out "Each agency" and inserting in lieu thereof "The head of each agency has administrative responsibility for the agency's information resources management activities and";

(2) in subsection (b)—

(A) by inserting "(1)" before "The head of each agency"; and

(B) by adding at the end thereof the following new paragraphs:

"(2)(A) Each official designated under paragraph (1) shall appoint a Chief Information Resources Management Official who shall—

"(i) report to the senior official (except in the case that the Chief Information Resources Management Official may be the senior official);

"(ii) be in the competitive service or in the senior executive service (except for that official designated within the Tennessee Valley Authority); and

"(iii) be a career appointee.

"(B) Any positions designated under this paragraph shall be career reserve positions (except for positions within the Tennessee Valley Authority).

"(C) The Chief Information Resource Management Official shall assist in agency information needs assessments and in the deployment of appropriate information technology to gather, process, use, and disseminate information that is—

"(i) critical to successful accomplishment of program goals and agency mission; or

"(ii) essential for efficient and effective agency management, particularly financial management.

"(3) Officials designated under paragraph (2) shall be well qualified through experience or training to carry out the programs and activities authorized under this chapter. Such officials shall be sufficiently independent of program responsibility, but shall work with program officials in fulfilling the requirements of subsection (c).";

(3) in subsection (c)—

(A) by redesignating paragraphs (1) through (6) as paragraphs (4) through (9), respectively;

(B) by redesignating paragraphs (7) and (8) (as designated before the date of the enactment of this Act) as paragraphs (12) and (13), respectively;

(C) by inserting before paragraph (4) (as redesignated in subparagraph (A) of this paragraph) the following new paragraphs:

"(1) establish an agency-wide program of information resources management;

"(2) develop, implement, and evaluate formalized training programs in consultation with appropriate agencies, on information resources management concepts, and educate program officials about information re-

sources management as a managerial discipline requiring all managers to take responsibility for life cycle management of information resources;

"(3) develop information systems, processes and procedures that—

"(A) enhance the sharing of common data across program and agency lines consistent with law; and

"(B) maximize the usefulness and timely release of Government information to all users within and outside the agency, including the public where appropriate;";

(D) in paragraph (4) (as redesignated by subparagraph (A) of this paragraph) by amending such paragraph to read as follows:

"(4) systematically inventory and maintain current, complete records of the agency's information resources, including its major information systems, its automatic data processing equipment, and, except for good cause shown, its information resource management professionals, for use in developing and updating the agency's information resources management plans and for informing the public, consistent with other provisions of law;";

(E) in paragraph (9) (as redesignated by subparagraph (A) of this paragraph) by inserting "and retaining" after "sharing, dissemination,";

(F) by inserting after paragraph (9) (as redesignated by subparagraph (A) of this paragraph) the following new paragraphs:

"(10) establish and maintain systems for dissemination of information that shall—

"(A) ensure that the public has timely, equitable, and equal access to the agency's public information products and services and that agency information dissemination programs disseminate agency public information products and services, regardless of format, in an efficient, effective, and economical manner;

"(B) plan and budget for information dissemination at the time information is created or collected, and at other appropriate steps during the information life cycle; and

"(C) provide to the Superintendent of Documents for distribution to the Federal Depository Library Program all publications regardless of format required by chapter 19 of this title to be made available;

"(11) when providing for the dissemination of significant public information products or services—

"(A) to the greatest extent practicable, shall disseminate in usable electronic formats (in whole and in part, and along with available software, indexes, and documentation) public information maintained in electronic formats;

"(B) shall utilize the Government Printing Office for the production and dissemination of information products and services, to the extent provided by chapters 5, 17, and 19 of this title;

"(C) before taking any action to initiate, terminate, or significantly modify a public information product or service, shall—

"(i) provide advance public notice, through the Federal Register and through other means likely to provide actual notice to interested persons;

"(ii) provide notice to the Superintendent of Documents;

"(iii) make available to the public a description of the proposed action and a detailed explanation of the reasons for the action;

"(iv) accept and consider public comments on the proposed action; and

"(v) comply with the requirements of section 1710 of this title;

"(D) may reduce or waive any user fees for disseminating public information if the agency determines that the dissemination may enhance an agency mission;

"(E) except where specifically authorized by statute, shall not—

"(i) establish an exclusive, restricted, or other distribution arrangement that interferes with timely, equal, and equitable availability of public information to the public;

"(ii) restrict or regulate the use, resale, or redissemination of public information products or services by the public;

"(iii) charge fees or royalties for resale or redissemination of public information;

"(iv) establish user fees for public information products that exceed the marginal cost of dissemination; or

"(v) establish a new information sales and dissemination program without providing advance notice to the Public Printer; and

"(F) in determining how to fulfill its public information dissemination functions, shall consider—

"(i) whether dissemination is required by law;

"(ii) whether dissemination is necessary for the proper performance of the functions of the agency;

"(iii) whether disseminating public information would assist in public oversight of agency operations or would promote the general social or economic welfare of the United States;

"(iv) if an information product or service available from other public or private sources is equivalent to an agency product or service and reasonably achieves the dissemination objectives of the agency product or service;

"(v) dissemination methods that will maximize the utility of the information to the public; and

"(vi) the economy and efficiency of Government operations;";

(G) in paragraphs (12) and (13) (as redesignated by subparagraph (B) of this paragraph) by amending such paragraphs to read as follows:

"(12) consistent with governmentwide policies and guidance periodically evaluate and, as needed, improve, the accuracy, completeness, reliability, and timeliness of data and records contained within Federal information systems and the capabilities of such systems for ensuring—

"(A) public access to public information; and

"(B) privacy, confidentiality, and security;

"(13) develop and annually update a five-year information resources management plan, in accordance with the appropriate guidelines issued by the Office of Management and Budget for meeting the agency's information and information technology needs;"; and

(H) by adding at the end thereof the following new paragraphs:

"(14) ensure appropriate coordination and integration of the agency's information resources management plan with the agency's strategic plan, budget, and financial management systems; and

"(15) in developing information systems, implement applicable governmentwide and agency policies, principals, standards and guidelines for financial management systems."; and

(4) by adding at the end thereof the following new subsections:

"(e) The head of each agency, or the official designated under subsection (b), shall establish a process for the review of each collection of information before it is submitted to the Director for review and approval under this chapter. At a minimum, this official shall ensure that the process—

"(1) is sufficiently independent of program responsibilities to evaluate fairly whether each collection of information should be carried out;

"(2) has sufficient resources to carry out such responsibility effectively; and

"(3) provides agency authority independent of agency program officers to approve, disapprove, and make needed improvements in any agency collection of information.

"(f) Under the process established in subsection (e), the senior official shall certify to the Director that—

"(1) the collection of information and any related instructions—

"(A) are necessary for the proper performance of the agency's functions and are not unnecessarily burdensome;

"(B) are not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

"(C) have practical utility;

"(D) are written using plain and unambiguous terminology and are understandable to those who are to respond;

"(E) use effective and efficient statistical survey methodology appropriate to the need for which the information is to be collected; and

"(F) explain the need and ultimate use of the information to be collected, and the importance of accurate and timely response; and

"(2) the agency has taken necessary steps—

"(A) to give notice to and consult with interested agencies and members of the public in order to enhance the clarity of that collection of information and to minimize its burden on respondents; and

"(B) to plan and allocate resources for the effective and efficient management and use of the information to be obtained.".

SEC. 107. APPROVAL AND DELEGATION OF INFORMATION COLLECTION; SELF-CERTIFICATION PROCESS.

Section 3507 of title 44, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B)—

(i) by inserting "a summary of the request," after "title for the information collection request,";

(ii) by inserting "and benefit" after "an estimate of the burden"; and

(iii) by striking out "; and" and inserting in lieu thereof ", and given notice of a period of not less than 30 days for submission of comments by the public, and identification of an official at the agency and the Office of Management and Budget to whom comments may be submitted, including an address for each official;"; and

(B) by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following:

"(3) the agency provides, except as provided under subsection (g), at least 30 days for public comment to the agency and the Office of Management and Budget after publication of notice in the Federal Register, and the agency and the Director consider comments received regarding the proposed collection of information; and";

(2) in subsection (b)—

(A) by inserting "but not, except as provided under subsection (g), before the thirty-day public comment period has concluded," after "receipt of a proposed information collection request,"; and

(B) by adding at the end thereof "The Director shall provide a detailed written expla-

nation, to be placed in the public file and made available upon request for any information collection request reviewed by the Office of Management and Budget, of the reasons for any disapproval or modification of a substantive or material nature made by the Office.";

(3) in subsection (d)—

(A) by inserting "(1)" after "(d)"; and

(B) by adding at the end thereof the following new paragraphs:

"(2)(A) If the head of the agency, or the designated senior official, decides to seek extension of the Director's approval granted for a currently approved information collection request, the agency shall, through the notice prescribed in subsection (a)(2)(B) and such other practicable steps as may be reasonable, seek comment from the agencies, and the public on the continued need for, and burden imposed by, the collection of information.

"(B) Thereafter, but no later than sixty days before the expiration date of the control number assigned by the Director for the currently approved information collection request, the agency shall—

"(i) evaluate the public comments received;

"(ii) conduct the review established by section 3506(e); and

"(iii) provide to the Director the certification required by section 3506(f), including the text of the certification and any additional relevant information regarding how the information collection request comports with the principles and requirements of this chapter.

"(C) Upon receipt of such certification, and prior to the expiration of the control number for that information collection request, the Director shall—

"(i) assure that the agency has taken the actions specified in section 3506(f)(2);

"(ii) evaluate the public comments received by the agency or by the Director;

"(iii) determine whether the agency certification complies with the standards set forth in section 3506(f)(1); and

"(iv) approve or disapprove the information collection request pursuant to this chapter.

"(3) If a certification is not provided to the Director prior to the beginning of the sixty-day period before the expiration of the control number as provided by paragraph (2)(B), the agency shall submit the information collection request for review and approval or disapproval under this chapter.

"(4) An agency may not make a substantive or material modification to an information collection request after it has been approved by the Director, unless the modification has been submitted to the Director for review and approval or disapproval under this chapter.";

(4) by amending subsection (h) to read as follows:

"(h)(1) In carrying out reviews of information collection requests under this chapter, the Director shall—

"(A) maintain a public file for each information collection request review under this chapter, which includes—

"(i) copies of any written communication to the Administrator of the Office of Information and Regulatory Affairs or to any employee thereof from any person not employed by the Federal Government or from any agency concerning a proposed information collection request, and any written communication from the Administrator or employee of the Office to such person or agency concerning such proposal; and

"(ii) information about any written submission received by the Office of Information and Regulatory Affairs from an agency, including—

"(I) the name of the agency;

"(II) the title or name of the submission;

"(III) the date of receipt by the Office;

"(IV) the name of the principal desk officer within the Office who reviews the submission;

"(V) copies of all agency submissions to the Office, and a detailed written explanation of the reasons for any disapprovals or approvals with substantive changes made by the Office with respect to a submission, as required by this section; and

"(VI) any decision made by the Office with respect to the submission, including the date of any action taken by the Office;

"(B) notify the head of the appropriate agency of all meetings involving employees of the Office of Information and Regulatory Affairs and any person who is not an employee of the Federal Government, and provide the agency head, or his or her designee, a reasonable opportunity to attend such meetings; and

"(C) consider public comments and other relevant material.

"(2) This subsection shall not require the public disclosure of—

"(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an executive order or an Act of Congress to be kept secret in the interest of national security or foreign policy; or

"(B) any communication between a person in the employ of the Office of Management and Budget and any other person in the employ of the executive office of the President; or

"(C) any communication made by an individual to an employee of the Office of Management and Budget disclosing information that the individual believes evidences a violation of the provisions of this chapter, where the disclosure of the communication could lead to retaliation or discrimination against such individual."; and

(5) by adding at the end thereof the following new subsections:

"(i)(1) As soon as practicable, but no later than publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information requirement and upon request, information necessary to make the determination required pursuant to this chapter.

"(2) Within sixty days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information requirement contained in the proposed rule.

"(3) When a final rule is published in the Federal Register, the agency shall explain how any collection of information requirement contained in the final rule responds to the comments, if any, filed by the Director or the public, or explain why the agency rejected those comments.

"(4) The Director has no authority to disapprove any collection of information requirement specifically contained in an agency rule, if the Director has received notice and failed to comment on the rule within sixty days of the notice of proposed rulemaking.

"(5) No provision of this section may be construed to limit the Director, in his discretion from—

"(A) disapproving any information collection request which was not specifically required by an agency rule;

"(B) disapproving any collection of information requirement contained in an agency rule, if the agency failed to comply with the requirement of paragraph (1) of this subsection;

"(C) disapproving any collection of information requirement contained in a final agency rule, if the Director finds within sixty days of the publication of the final rule that the agency's response to the comments of the Director filed pursuant to paragraph (2) of this subsection was unreasonable; or

"(D) disapproving any collection of information requirement where the Director determines that the agency has substantially modified in the final rule the collection of information requirement contained in the proposed rule where the agency has not given the Director the information required in paragraph (1), with respect to the modified collection of information requirement, at least sixty days before the issuance of the final rule.

"(6) The Director shall make publicly available any decision to disapprove a collection of information requirement contained in an agency rule, together with the detailed reasons for such decision.

"(7) The authority of the Director under this subsection is subject to the provisions of subsection (c).

"(8) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

"(9) The decision of the Director to approve or not to act upon a collection of information requirement contained in an agency rule shall not be subject to judicial review.

"(j)(1) If the head of the agency, or the designated senior official, decides to seek extension of the Director's approval granted for a currently approved collection of information requirement, the agency shall, through the notice prescribed in subsection (a)(2)(B) and such other practicable steps as may be reasonable, seek comment from the agencies, and the public on the continued need for, and the burden imposed by, the collection of information requirement.

"(2) Thereafter, but no later than sixty days before the expiration date of the control number assigned by the Director for the currently approved collection of information requirement, the agency shall—

"(A) evaluate the public comments received;

"(B) conduct the review established by section 3506(e); and

"(C) provide to the Director the certification required by section 3506(f), including the text of the certification and any additional relevant information regarding how the collection of information requirement comports with the principles and requirements of this chapter.

"(3) Upon receipt of such certification, and prior to the expiration of the control number for that collection of information requirement, the Director shall—

"(A) assure that the agency has taken the actions specified in section 3506(f)(2);

"(B) evaluate the public comments received by the agency or by the Director;

"(C) determine whether the agency certification complies with the standards set forth in section 3506(f)(1); and

"(D) approve, unless—

"(i) the agency has failed to comply with paragraph (1), (2), or (3) of this subsection;

"(ii) the agency proposes to make substantive or material modification to the collection of information requirement;

"(iii) the Director finds the agency certification to be unreasonable or not adequately supported by the record compiled by the agency; or

"(iv) the Director determines that the record upon which the agency made the certification is not complete.

"(4) If, under paragraph (3), the Director disapproves or recommends or instructs the agency to make a substantive or material change to a collection of information requirement, the Director shall—

"(A) publish a detailed explanation thereof in the Federal Register; and

"(B) instruct the agency to undertake a rulemaking limited to consideration of changes to the collection of information requirement and thereafter to submit the collection of information requirement for approval or disapproval under section 3507(i).

"(5) Nothing in this subsection affects the review process for a collection of information requirement, including a proposed change to an existing collection of information requirement, under section 3507(i) with respect to such collection of information requirement.

"(6) The Director may not approve a collection of information requirement for a period in excess of three years.

"(k) Upon request by the head of an agency, the Director shall approve a proposed change to an existing information collection request not later than 30 days after the Director receives the proposed change, and the information collection request shall thereafter remain in effect for the remainder of the period for which it was previously approved by the Director, if—

"(1) the information collection request has a current control number; and

"(2) the Director determines that the revision—

"(A) reduces the burden resulting from the information collection request; and

"(B) does not substantially change the information collection request.".

SEC. 108. FEDERAL INFORMATION LOCATOR SYSTEM.

Section 3511 of title 44, United States Code, is amended to read as follows:

"§ 3511. Establishment and Operation of Federal Information Locator System

"(a) The Director shall cause to be established and maintained a Federal Information Locator System (hereafter in this section referred to as the 'system'), which shall—

"(1) serve as a comprehensive inventory, and as the authoritative register, of all information collection requests by the Federal Government to the public; and

"(2) be designed to assist agencies and the public in locating public information.

"(b) In designing the system, the Director shall—

"(1) designate as necessary one or more agencies to operate the system;

"(2) require the head of each agency to prepare in a form to be specified by the Director, and to submit for inclusion in the system, a data profile for each—

"(A) system of records of the agency required to be identified under section 552a of title 5; and

"(B) information collection request and each information collection requirement approved by the Director pursuant to section 3506;

"(3) ensure that no information which is not public information is included in the system.

"(c) Within one year after the date of the enactment of the Federal Information Resources Management Act, the Director shall—

"(1) determine, in consultation with other agencies and the Advisory Committee on Information Policy, the optimal composition of the system in order to accomplish its purposes; and

"(2) report to the Senate Committee on Governmental Affairs and the House Committee on Government Operations on the status of the development and implementation of the system, including the Director's determination as to the composition of the system and the appropriate operating entity.

"(d) The Director shall on an ongoing basis review the effectiveness of the Federal Information Locator System and make recommendations for improving the effectiveness of the system.".

SEC. 109. REVIEW OF AGENCY ACTIVITIES; REPORTING; AGENCY RESPONSE.

Section 3513 of title 44, United States Code, is amended—

(1) in subsection (a) in the first sentence by inserting "resources" after "information"; and

(2) by adding at the end thereof the following new subsections:

"(d) The Director shall on an ongoing basis review standards and requirements for agency audits for all major information systems and assign responsibility for conducting governmentwide or multiagency audits (except the Director may not assign such responsibility for the audit of major information systems used for the conduct of criminal investigations or intelligence activities as defined in section 4-206 of Executive Order 12036, issued January 24, 1978, or successor orders, or for cryptologic activities that are communications security activities.

"(e) The Director shall on an ongoing basis—

"(1) establish and review a schedule and a management control system to ensure that practices and programs of information handling disciplines, including records management, are appropriately integrated with the information policies mandated by this chapter;

"(2) identify initiatives to improve productivity in Federal operations using information processing technology;

"(3) develop and review a program to—

"(A) enforce Federal information processing standards, particularly software language standards, at all Federal installations;

"(B) revitalize the standards development program established under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d)), as amended by the Computer Security Act (Public Law 100-235); and

"(C) separate such program from peripheral technical assistance functions and direct such program to the most productive areas; and

"(4) develop and annually revise, in consultation with the Administrator of General Services, the Secretary of Commerce, the Director of the Office of Science and Technology Policy, and the Archivist of the United States, a five-year plan for information resources management, which shall include—

"(A) plans for managing information throughout its life cycle from collection through dissemination and disposition,

"(B) plans for meeting the automatic data processing equipment (including telecommunications) and other information technology needs of the Federal Government in accordance with the requirements of sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759) and the purposes of this chapter, and

"(C) plans for enhancing public access, including access by electronic media, to information relating to information collection requests required by this chapter to be made available to the public.".

SEC. 110. RESPONSIVENESS TO CONGRESS.

Section 3514 of title 44, United States Code, is amended—

(1) in subsection (a)—

(A) by amending paragraph (8) to read as follows:

"(8) an evaluation of the feasibility and means of enhancing public access (including access by electronic media) to Government information, including information relating to information collection activities;";

(B) in paragraph (9)(C) by striking out "and" at the end thereof;

(C) in paragraph (10)(C) by striking out the period and inserting in lieu thereof a semicolon; and

(D) by adding at the end thereof the following new paragraphs:

"(11) a description and summary of actions taken with respect to dissemination functions described under section 3504(h) of this title;

"(12) a summary of the results of selective reviews performed in accordance with section 3513 of this title by Federal agencies of the adequacy and efficiency of their information resources management activities;

"(13) the report under the Privacy Act of 1974, when required by subsection (s) of section 552a of title 5, United States Code; and

"(14) the report on matching programs, when required by subsection (u)(6) of section 552a of title 5, United States Code.";

(2) by adding at the end thereof the following new subsection:

"(c) Within one year after the date of the enactment of the Federal Information Resources Management Act the Director shall submit a report to the Senate Committee on Governmental Affairs and the House Committee on Government Operations—

"(1) on the Federal demonstration project in federally sponsored research that—

"(A) comprehensively lists all information collection requests subject to the requirements of the provisions of this chapter together with estimates of the associated burdens;

"(B) specifically identifies information requests subject to the provisions of this chapter which have not been justified by agencies and approved by the Director; and

"(C) provides recommendations which would eliminate any unnecessary burden associated with such requests while providing adequate accountability of expenditures;

"(2) on the progress of the initiatives identified under section 3505(1); and

"(3) on the results of the elimination of any unnecessary duplication associated with the review under section 3505(2).'; and

(3) by adding at the end thereof the following new subsection:

"(d) Within one year after the date of the enactment of the Federal Information Resources Management Act, the Director shall report to the Congress, after consultation with other agencies and the Advisory Committee on Information Policy, on the feasibility and means of establishing a comprehensive inventory and authoritative register of all information products and services disseminated by the Federal Government.".

SEC. 111. CONSULTATION AND ADVISORY COMMITTEES.

Section 3517 of title 44, United States Code, is amended to read as follows:

"§ 3517. Consultation and advisory committees

"(a) In reviewing information collection requests, the Director shall provide interested agencies and persons timely opportunity to comment.

"(b) In developing information and statistical policies, plans, rules, regulations, procedures, and guidelines, the Director shall regularly consult with information providers, users, and other interested parties, including the advisory committees established under the authority granted in this section.

"(c)(1) The Director shall establish an Advisory Committee on Information Policy to advise in carrying out the functions assigned under section 3504(b) and an Advisory Committee on Statistical Policy to advise in carrying out the functions assigned under section 3504(d)(1).

"(2) Each such committee shall consist of no less than twenty members.

"(d) Any advisory committee established by the Director shall—

"(1) be broadly representative of the groups with an interest in the relevant policy area;

"(2) include representatives of educational institutions, businesses, State and local governments, labor, public interest groups, and any other appropriate members;

"(3) provide for a two year term for members appointed by the Director, except that one-half of the initial appointments be made for a term of three years;

"(4) provide that an individual may be reappointed to the committee for any number of terms;

"(5) provide that appointments shall be made without regard to political affiliation; and

"(6) comply with the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

"(e) No later than one hundred and eighty days after the date of the enactment of the Federal Information Resources Management Act, the Director shall complete the initial appointment of members to the Advisory Committee on Information Policy and the Advisory Committee on Statistical Policy.".

SEC. 112. AUTHORIZATION OF APPROPRIATIONS.

Section 3520 of title 44, United States Code, is amended in subsection (a) by striking out "$5,500,000 for each of the fiscal years 1987, 1988, and 1989." and inserting in lieu thereof "$5,500,000 for fiscal year 1992, $6,500,000 for fiscal year 1993, and $7,000,000 for each of the fiscal years 1994 and 1995.".

TITLE II—REVIEW OF FEDERAL DEPARTMENT AND AGENCY REGULATIONS

SEC. 201. REVIEW OF AGENCY REGULATIONS BY THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

To the extent the Office of Information and Regulatory Affairs is authorized by Executive order or other administrative directive to review Federal agency regulatory activities (in addition to any functions authorized under chapter 35 of title 44, United States Code, as amended by title I of this Act) its actions shall be deemed to be carried out under the immediate supervision of the Administrator, and shall be subject to the provisions of this title.

SEC. 202. BASIC PRINCIPLES CONCERNING AGENCY RULEMAKING AND REGULATORY REVIEW BY THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

(a) STATUTORY REQUIREMENTS.—Rules shall meet statutory requirements. Any review by the Administrator of any agency draft, proposed or final rule may not result in a rule not authorized by law or that does not carry out statutory requirements.

(b) RULEMAKING DECISIONS BY AGENCY HEADS.—Rulemaking decisions shall be made by agency heads or other officials authorized by law. No regulatory review decision made by the Administrator may displace the rulemaking responsibility of such authorized rulemaking official.

(c) REQUIREMENTS BY THE ADMINISTRATOR.—Any requirements by the Administrator relating to an agency's regulatory activities shall apply only to the extent permitted by law.

(d) STATUTORY ADMINISTRATIVE REQUIREMENTS.—(1) Rules shall be in accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code, requiring—

(A) rules to be rationally based on information in the agency's rulemaking record; and

(B) agencies to provide both an explanation of significant substantive differences between a notice of proposed rulemaking and a final rule as well as new facts or data upon which the agency relied.

(2) Regulatory review by the Administrator may not result in rulemaking decisions that are not supported by the agency rulemaking record.

SEC. 203. PUBLIC PARTICIPATION IN RULEMAKING.

(a) WRITTEN MATERIALS.—The Administrator shall notify the public that written materials (including materials transmitted by electronic media) submitted to the Administrator relevant to any regulatory activity undergoing review shall be submitted to the agency for inclusion in the agency's rulemaking record. Agencies receiving such materials from the public shall include such materials in the record.

(b) SUBSTANTIVE COMMUNICATIONS.—Within the Office of Information and Regulatory Affairs, only the Administrator or Deputy Administrator (or someone specifically designated by them, for good reason, on a case-by-case basis) may engage in substantive communications with individuals not employed by the Federal Government concerning the substance of agency regulatory activities under review.

SEC. 204. PUBLIC ACCESS TO REGULATORY REVIEW INFORMATION.

(a) PUBLIC ACCESS.—Unless otherwise provided by law, the Administrator shall make available, within 15 days after a request is made in any form to the Administrator after publication of the applicable advance notice of proposed rulemaking, notice of proposed rulemaking, or final rule in the Federal Register a copy of—

(1) any draft of such proposed or final rule or other draft proposal submitted by the agency to the Administrator for review;

(2) any regulatory impact or other analysis relating to such rule or proposal that was submitted by the agency to the Administrator;

(3) all written materials (including materials transmitted by electronic media) that are related to such rule or proposal submitted by the Administrator, the Deputy Administrator, or any designee of the head of an agency, or the General Counsel for such agency;

(4) all written materials (including materials transmitted by electronic media) that are related to the substance of any regulatory impact or other analysis relating to such rule or proposal submitted by the Administrator, the Deputy Administrator, or designee of the head of any agency, or the General Counsel for such agency;

(5) all written materials (including materials transmitted by electronic media) related to such rule or proposal that were submitted to the Administrator, the Deputy Administrator, any designee of the head of an agency, or the General Counsel for such agency; and

(6) all written materials received by the Administrator (including materials transmitted by electronic media) from persons not employed by the Federal Government concerning such rule or proposal.

(b) AGENCY DRAFT SUBMISSIONS.—Unless otherwise provided by law, the Administrator shall make available, within 5 days after a request is made in any form to the Administrator after publication of any agency or Governmentwide regulatory planning document that has been reviewed by the Administrator, a copy of any agency draft submission of that document made to the Administrator.

(c) AVAILABILITY OF MATERIALS.—Material made available by the Administrator under subsection (a) shall be available for review in an Office of Information and Regulatory Affairs public reading room during normal business hours. The Administrator shall make a photocopying machine available to the public to permit copying of such material at a reasonable cost. To the greatest extent practicable, requests in person for such material shall be met on the same day as the request.

(d) CHANGES IN FINAL RULE.—For each major final rule, agencies shall provide substantive written reasons for changes made to such rule between the time of its submission to the Administrator for review and its publication in the Federal Register.

SEC. 205. TIME LIMITS FOR REVIEW.

(a) TIME LIMITS.—Within 60 days after the receipt of a draft rule submitted to the Administrator for review, the Administrator shall conclude review of the draft rule, suspend its review, or return the draft rule to the agency for reconsideration. The Administrator may, for good reason, extend the time for review for an additional 30 days. Such time periods shall begin on the first business day after receipt of the submission by the Administrator.

(b) REVIEW BY PRESIDENT OR THE OFFICE OF MANAGEMENT AND BUDGET.—If the President, the Director of the Office of Management and Budget, or such other person as the President may designate, reviews for resolution an issue arising out of review of agency draft rules by the Administrator the applicable time limits described under subsection (a) may be extended, although any such issue shall be resolved as promptly as practicable.

(c) EXTENSIONS.—The Administrator shall notify the rulemaking agency of an extension beyond 60 days and place such notification in its public reading room. The rulemaking agency shall publish promptly a notice of any such extension in the Federal Register.

(d) SUSPENSION OF REVIEW.—The Administrator shall provide to the rulemaking agency specific written reasons for suspending review of a draft rule or for returning a draft rule to the agency for reconsideration, and shall at the same time place a copy of the document containing such reasons in its public reading room. The rulemaking agency shall publish such reasons in the Federal Register.

(e) TIMELY SUBMISSION FOR REVIEW.—Each agency shall make a good faith effort to conduct its rulemaking, and transmit a pro-

posed draft and final rules and regulatory impact and other analyses required by executive order or other administrative directive, regardless of their stage of development, in sufficient time to allow a reasonable opportunity for review by the Administrator before any applicable time limitation.

(f) TIME LIMITATIONS.—In order that the review of any agency regulatory activity by the Administrator not conflict with any time limitation imposed by statute or by judicial order, a rulemaking agency shall—

(1) promptly notify the Administrator of any such time limitation that might affect such review and briefly explain the conflict;

(2) publish in the Federal Register a statement of the reasons it is impracticable for the agency to follow the procedure of review by the Administrator; and

(3) in consultation with the Administrator, adhere to regulatory review requirements to the extent permitted by statutory or judicial time limitations.

SEC. 206. ENHANCED ACCESS TO WRITTEN COMMUNICATIONS FROM OUTSIDE THE FEDERAL GOVERNMENT.

The Administrator shall transmit copies of any written materials (including materials transmitted by electronic media) received from persons not employed by the Federal Government concerning the substance of a draft rule under review to the head of the agency issuing such rule for inclusion, as appropriate, in the agency's rulemaking record. The Administrator shall place all such written material in the public reading room.

SEC. 207. ORAL COMMUNICATIONS WITH PERSONS NOT EMPLOYED BY THE FEDERAL GOVERNMENT.

The Administrator shall disclose oral communications between persons not employed by the Federal Government and the Administrator, the Deputy Administrator, or a person designated under section 203(b), concerning the substance of a draft rule under review. The Administrator shall—

(1) advise the agency of such communications;

(2) invite agency heads or designees to all scheduled meetings involving such communications; and

(3) place in the public reading room a list of all meetings and telephone calls concerning the draft rule under review in which communications took place between the Administrator, the Deputy Administrator, or designee and persons not employed by the Federal Government, together with an identification of the rule which was the subject of the communication.

SEC. 208. PUBLIC ACCOUNTING OF REGULATORY REVIEW ACTIVITIES BY THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

(a) ANNUAL ACCOUNTING.—The Administrator shall publish a full annual accounting of any review of agency regulatory activity. Such accounting shall include a list of all draft rules that are suspended, returned for reconsideration, or are found to be consistent with change.

(b) PUBLIC AVAILABILITY.—Within 10 working days after the end of each calendar month, the Administrator shall make available in a public reading room a list of all draft advance notices of proposed rulemaking, notices of proposed rulemaking, and draft final rules for which review has been completed during the preceding month. For each rule, such list shall include—

(1) the name and identifying number of the rule;

(2) the date on which it was submitted to the Administrator for review;

(3) the length of such review;

(4) the final action taken by the Administrator and the date of such action; and

(5) the dates of any extensions.

(c) PUBLICATION OF LIST.—Within 10 working days of the end of each calendar month, each agency shall publish in the Federal Register a list of all draft advance notice of proposed rulemaking, notice of proposed rulemaking, and draft final rules for which the Administrator has completed review during the preceding month.

SEC. 209. JUDICIAL REVIEW.

No regulatory review authority exercised by the Administrator shall be construed as displacing an agency's statutory rulemaking authority. Such review is intended only to improve the internal management of the Federal Government. Such review shall not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers or any person.

TITLE III—MANAGEMENT OF PUBLIC RECORDS

SEC. 301. BINDING REGULATIONS CONCERNING PUBLIC RECORDS.

(a) DISPOSAL OF RECORDS.—Section 3302 of title 44, United States Code, is amended—

(1) in the first sentence by inserting "and binding on all Federal agencies" after "chapter"; and

(2) by redesignating paragraphs (1) through (3) as paragraphs (3) through (5), respectively, and inserting before such newly redesignated paragraph (3) the following new paragraphs:

"(1) standards for interpreting the definition of records under section 3301,

"(2) standards for establishment and maintenance of adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency for incorporation in recordkeeping requirements to be issued by heads of agencies,".

(b) ESTABLISHMENT OF PROGRAM OF MANAGEMENT.—Section 3102(3) of title 44, United States Code, is amended by striking out "and 3101-3107, of this title and the regulations" and inserting in lieu thereof "3101-3107, and 3301-3314, of this title and the regulations and standards".

(c) EXAMINATION OF RECORDS FOR HISTORICAL PRESERVATION.—(1) Section 2107 of title 44, United States Code, is amended—

(A) in the first sentence by inserting "(a)" before "When it appears"; and

(B) by adding at the end thereof the following new subsection:

"(b) Subject to the provisions of section 2906 of this title and notwithstanding any other provision of law, the Archivist or the designee of the Archivist may inspect or examine any record to determine if—

"(1) an agency is in compliance with the binding guidelines issued by the Archivist; and

"(2) such record has sufficient value to warrant the continued preservation by the United States Government.".

(2) Section 2906 of title 44, United States Code, is amended—

(A) in subsection (a)(1) by striking out the first sentence and inserting in lieu thereof: "In carrying out their respective duties and responsibilities under this chapter and under chapters 21, 31, 33, and 35 of this title, the Administrator of General Services and the Archivist (or the designee of either) may inspect the records or the records management practices and programs of any Federal agency for the purposes of rendering recommendations for the improvement of records management practices and programs. The Archivist (or a designee) may inspect the records of any Federal agency for the purpose of determining whether records in the custody of the agency have sufficient historical, administrative, legal, research or other value to warrant their further preservation by the Government.";

(B) in subsection (a) by amending paragraph (2) to read as follows:

"(2) The Administrator and the Archivist shall promulgate regulations (subject to the approval of the President) to—

"(A) provide for the inspection of records, the use of which is restricted by law; and

"(B) provide that regulations authorizing and restricting the examination and use of such records applicable to the head of the custodial agency or to employees of that agency are applied in the same manner to the Archivist and the Administrator and to the employees of the National Archives and Records Administration and General Services Administration, respectively."; and

(C) in subsection (b) by inserting "and in sections 2107 and 3303a of this title" after "subsection (a) of this section".

(3) The first sentence of section 3303a(a) is amended to read as follows: "Subject to the limitations of section 2906 and notwithstanding any other provision of law, the Archivist shall examine the lists and schedules submitted under section 3303, and the Archivist or the designee of the Archivist may examine any record on such lists or schedule.".

SEC. 302. ROUTINE USES OF RECORDS SYSTEMS.

(a) REVIEW AND REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(1) conduct a review of routine uses, with respect to uniformity and consistency with law and published guidelines, for all systems of records established by Federal agencies in accordance with section 552a of title 5, United States Code; and

(2) submit a report to the Congress describing the findings of that review.

(b) MISCELLANEOUS AMENDMENTS.—Subsection (r) of section 552a of title 5, United States Code, is amended to read as follows:

"(r) REPORTS ON CHANGE IN RECORDS SYSTEM, MATCHING PROGRAM, OR ROUTINE USE.—Each agency that proposes to establish or make a significant change in a system of records, a matching program, or a routine use shall provide adequate advance notice of any such proposal (in duplicate) to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget.".●

NEWARK'S 325TH ANNIVERSARY

● Mr. LAUTENBERG. Mr. President, I rise today to commemorate Newark, NJ, on it's 325th birthday. The city is planning celebrations throughout this year and May 17-19 will be Founders Weekend. This weekend, the citizens of Newark will be celebrating the occasion with exhibitions, parades, festivals, and neighborhood cleanups.

The people of Newark can take pride in their city's traditions and history. When the Puritans first settled there in the 17th century, little did they know they were breaking ground for one of America's largest cities. Today, Newark is a major transportation center with an international airport and

highways leading to New York and Philadelphia. It is also an industrial and commercial city as many companies see the assets of working in Newark.

Mr. President, I do not know how many members have visited Newark, but if they did, they would find a picturesque city that combines historic buildings with modern architecture. Many of the older buildings have been renovated and esthetic projects have made the city a beautiful place. Cultural arts flourish in Newark with Symphony Hall and the Newark Museum. Additionally, Rutgers University, the New Jersey Institute of Technology, Essex County College, the University of Medicine and Dentistry, and Seton Law School are all respected institutions that have chosen Newark for their location.

I commend Mayor Sharpe James and the citizens of Newark for enriching the city with their pride. I extend my very best wishes and heartiest congratulations for a wonderful and festive Founders Weekend.●

By Mrs. KASSEBAUM (for herself, Mr. DOLE, and Mr. CONRAD):

S. 1045. A bill to amend the Internal Revenue Code of 1986 to extend treatment of certain rents under section 2032A to lineal descendents; to the Committee on Finance.

VALUATION OF FAMILY FARM ESTATES

Mrs. KASSEBAUM. Mr. President, several years ago Congress decided family farms should remain in the family. Congress did not want those who inherit family farms to lose their land because of inflated land prices and speculation.

Accordingly, Congress passed a law providing that family farms could be valued at their income-producing value as opposed to their open market value. At the time, speculation had driven the farm prices well beyond the farm's income-producing capability. To prevent abuse, the special-use valuation statute provided that if the farm was converted to a nonfarm use, or sold outside the family within 10 years from the date of the valuation, the heirs would be retroactively liable for estate taxes on the farm's market value at the time of the parent's or grandparent's death.

This antiabuse provision worked well until the Internal Revenue Service began ruling that the special-use valuation was not satisfied if family members cash rented the land to other family members.

Many families engaged in intrafamily cash rent arrangements believing they were fully complying with the special-use valuation requirement. You can imagine a family's frustration and dismay when the Internal Revenue Service began assessing them for retroactive estate taxes which, when coupled with penalties and interest, often exceeded the value of the farm.

The bill we are introducing today eliminates these retroactive assessments. It provides that intrafamily cash rent leases between direct family members satisfy the special-use requirement.

Mr. President, this bill is urgently needed. Several families in my State risk losing their farms if we do not enact this bill. Congress has made clear it does not want this to happen. These farm families face financial ruin because of a tax technicality no one in Congress intended. It would be a cruel hoax if the statute designed to protect family farms is interpreted in such a way that it results in the Internal Revenue Service confiscating farms from innocent families for retroactive taxes. It is my hope this bill can be enacted swiftly so that these farm families can but this matter behind them and get on with their lives.

Mr. DOLE. Mr. President, family farms are the heart of Kansas, and the heart of America. Over the past few years, however, it has become apparent that tax laws and red tape are threatening the very existence of these farms, and the livelihood of the men and women who run them.

Today, I am pleased to join my colleagues in introducing legislation aimed at preserving America's family farms.

Under present law, when the owner of a farm dies, their family heirs receive favorable tax treatment, as the regulations allow them to value the farm estate on an actual use value, instead of a fair market value. If the farm is sold or not used as a farm within 10 years, then the heirs are subject to an increased estate tax.

The reality of the matter, however, is that this law has little benefit to today's family farms.

Many family farms operate under an arrangement where an heir will lease their land to their children. Unfortunately, current tax regulations decree that a net cash lease is not considered farm use unless the person leasing the land is the surviving spouse. In the blurry eyes of the IRS, when the heir happens to be a son or daughter of the farmowner, then the property ceases to be a farm, and the IRS imposes the higher estate tax.

This estate tax is an enormous penalty to pay for operating a family farm, and the sad fact is that it frequently forces the sale of the farm to pay the taxes.

The legislation we introduce today remedies the situation by placing lineal descendants in the same category as the surviving spouse.

The unpredictability of Mother Nature makes family farming a very tough business. With passage of this legislation, Uncle Sam can ensure the business won't become any tougher because of unfair tax laws.

By Mr. BIDEN (for himself, Mrs. KASSEBAUM, and Mr. MITCHELL):

S. 1046. A bill to provide for the establishment of an international arms suppliers regime to limit the transfer of armaments to nations in the Middle East; to the Committee on Foreign Relations.

ARMS SUPPLIERS REGIME ACT

Mr. BIDEN. Mr. President, the topic I plan to discuss today has been of great interest to the Presiding Officer and I hope that he finds what I am about to propose of some merit because I know he knows a great deal about this topic; that is, arms control in the Middle East.

Mr. President, I rise today to introduce the Arms Supplier Regime Act of 1991. Shortly after I speak, my distinguished colleague from Kansas, who is the primary cosponsor on the Republican side, will speak to this act as well.

Mr. President, this legislation is designed to focus—and I emphasize "focus" the Bush administration on an urgent problem for which no policy has yet been articulated: Controlling conventional and unconventional arms proliferation to the Middle East. That is what we are dealing with today, the Senator from Kansas, myself, and others. I know it has been of great interest to the Presiding Officer.

The need for this legislation is plainly and, I believe, sadly evident. Over the past 9 months, events of enormous consequence have occurred in the Middle East, events that give rise to hope for a new order in the world and in this critically importation region. Yet today, as we look to the Middle East in the aftermath of the liberation of Kuwait, we see a headlong rush to the status quo ante.

In Iraq, the government of Saddam Hussein remains in power; in Syria, the government of Hafez Assad, a man who has never been thought of as a very positive force in the region, remains militarily strong and as intransigent toward Israel as it ever was before the war in the Persian Gulf; Egypt, dissatisfied with progress toward a new security order, is removing its forces from the gulf region; and the governments of Saudi Arabia, Kuwait, and other sheikdoms appear to be reverting to the domestic and foreign policies of the past.

Meanwhile, the Bush administration also appears to be reverting to policies of the past, policies focused almost exclusively on arming our friends and allies in the region, policies, that is, of arms competition rather than of arms control.

We do see in this morning's paper that the administration may soon announce a Middle East arms plan that would depend for its success on the cooperation of the nations in the Middle

East, who would be asked to foreswear the acquisition of chemical weapons, nuclear weapons, and modern ballistic missiles and, I suspect at some point sophisticated conventional arms—although I emphasize that has not been even suggested as a possibility.

These are fine objectives, that is, getting the countries in the region to foreswear the acquisition of chemical and nuclear weapons, and modern ballistic missiles. But reposing our hopes here, Mr. President, would, I think, be naive in the extreme. It is a path of fantasy and I think of one of folly, although I would be delighted to see it happen.

A plan that in fact rests upon the nations in the region getting together and saying we will foreswear nuclear weapons, we will foreswear chemical weapons, we will foreswear the acquisition of ballistic missiles, would be premised on a wholesale reversal of all the basic national characteristics and international antagonisms that now prevade the Middle East and have pervaded it for some time. If we cannot get these countries to convene a conference even to discuss the Arab-Israeli dispute, it is reasonable to expect that they would be negotiating in any reasonable period of time a treaty that would embody a fundamental change of heart by all of the nations now in conflict?

Let us return to reality, Mr. President. Perhaps such a treaty is conceivable, but in the months and years immediately ahead, any realistic hope for arms control in the Middle East must, in my view, be based on a plan to deny such weapons to the nations in the region.

Over the past decade and a half the nations of the Middle East have imported conventional arms valued at more than $200 billion. And, I might add, the acquisition has been primarily from the five permanent members of the U.N. Security Council.

Moreover, nations of the region now possess, or are seeking to possess, unconventional weapons of extreme lethality. They want to acquire modern ballistic missiles. During the war you saw on TV a 1959 version of a ballistic missile, the Scuds. Now they want to acquire new ones with the latest technology. They want to acquire chemical weapons, not what we heard Saddam Hussein had, but up-to-date state-of-the-art chemical weapons capabilities. They want to acquire biological weapons. And they would like to acquire nuclear weapons.

Just imagine, Mr. President, what that gulf war would have been like had Saddam Hussein had nuclear weapons or truly modern ballistic missiles or chemical weapons capable of being placed on the nose of one of those ballistic missiles.

As the gulf war demonstrated so vividly, this vast accumulation of arms has brought neither security nor stability in the past, and yet these more sophisticated unconventional arms are now being sought. This uncontrolled spending constitutes a tragic and debilitating diversion of the region's resources, making economic progress and prosperity ever more difficult.

But this situation is not new, Mr. President. The question before us is whether we can develop a new response. We seem not to learn. We seem not to learn from the past. Can we develop a new response to what we know will be the consequence for the world and for the region if these unconventional and new conventional weapons are acquired?

The legislation I am introducing today tries to answer that question in an affirmative way by requiring the administration to take two critical steps.

The first step that this legislation will require is for the administration to develop a plan for Mideast arms control focused on the supplier nations, the places from which the sophisticated weapons could come in the first instance.

The second thing this legislation does is to require the administration to make a good-faith effort to convene the five permanent members of the United Nations Security Council in order to establish a regime to halt the proliferation of unconventional weapons and control the flow of advanced conventional weapons to the Middle East.

Is such an arms control regime possible? No one who has observed the slow, incremental nature of East-West arms talks can be unaware of the inherent difficulties in such an effort. But we do have grounds for cautious optimism. For the fact is, supply-side arms control has a record of substantial achievement.

The most important supply side-agreement is the 1968 Nuclear Nonproliferation Treaty, which by all accounts has had a real impact on the spread of nuclear weapons. Some would suggest that nuclear weapons have spread anyway. That is true. But can you imagine what would have happened had there not been in place since 1968 a Nuclear Nonproliferation Treaty?

We also have a comparable success in COCOM, through which the Western alliance has limited transfers of advanced technologies to what was then the Soviet bloc.

Some will worry that an arms supplier regime could limit transfers to our friends and allies in the Middle East. And, to be sure, it would—but for a sound purpose. For the objective is to enhance the security of our friends and allies by ensuring the maintenance of a stable balance at the lowest possible level of expenditure and armament.

The Israeli Government apparently recognizes this opportunity. Defense Minister Arens has explicitly urged that the United States spearhead an effort to shut off the arms flow to the Middle East, including Israel itself. If the Israelis, whose very survival is at issue, can see the benefit in this attempt, why can we not see the benefit in attempting such a regime?

We can only test the feasibility of such a regime by making a strong, well-coordinated effort to bring the concept to fruition.

What we know already, however, is that all of the key supplier nations in Europe—the Soviet Union, Germany, France, and Britain—which account for some 80 percent of the arms delivered to the Middle East, have stated their readiness to participate in a joint effort to scale back the level of arms transfers. We should challenge them by formally proposing to turn rhetoric into reality.

Clearly, one country will be problematic. This "wild card" is China. As an irresponsible purveyor of weapons, China is rapidly becoming a rogue elephant in the community of nations. The leadership in Beijing has apparently decided to pursue arms sales, including technologies needed for weapons of mass destruction, with a total focus on earning hard currency and with no regard for the international consequences.

Unfortunately, when it comes to China, in my view, the Bush administration has shown a sizable blind spot. But, as I have emphasized repeatedly, we have all the leverage we need—if we choose to use it—to ensure that the Chinese do not undermine any arms suppliers cartel that we can create.

That leverage consists of three letters: M-F-N. China receives a great deal more in hard currency from trade with the United States than it does from arms sales to the Third World. The Chinese trade surplus with the United States this year is expected to reach $15 billion—I repeat, $15 billion. Thus, if the Chinese Government is interested in hard currency, we are in a position to present the Chinese with a simple calculation of self-interest.

Mr. President, in the immediate aftermath of the gulf war, the administration made several encouraging statements about Mideast arms control. President Bush expressed hope that out of the war would come "less proliferation of all different types of weapons, not just unconventional weapons." Appearing before the Foreign Relations Committee, Secretary Baker laid out an ambitious Middle East arms control agenda, including limits and controls on advanced conventional arms.

But since then, Mr. President, as you well know, the administration has retreated from these bold declarations. Top officials now say we should not be overambitious and that defense cooperation must be given precedence over arms control. Secretary of Defense Cheney expressly downplays the

possibility of Middle East arms control, emphasizing instead the need for arms sales to strengthen the Gulf States.

Mr. President, I fully support the goal of enhancing security of friendly nations in the Middle East, particularly Israel. But the administration seems unable to grasp that an arms suppliers cartel can do just that and to it better.

It would appear that administration policy has become mired in a classic battle between the Defense Department and the State Department. As a result, we have policy gridlock. In this case, policy gridlock means more arms sales and business as usual—and talk of a treaty regime based on a change in human nature itself.

Mr. President, some in Congress now propose a unilateral moratorium on American arms sales to the Middle East. Although I am sympathetic to the goals of such an approach, I find it unrealistic given the administration's current reluctance to promote supply-side Middle East arms control of any kind. Equally important, I fear that other key nations would not reciprocate if we were to stop unilaterally.

Instead, I believe this legislation strikes the right balance between a unilateral cutoff and no action whatsoever.

Mr. President, some will attack this bill as micromanagement—but only those who say the same whenever the Congress attempts to do anything in the area of foreign policy. We hear about micromanagement, no matter what we do. When we wanted to vote on whether or not to go to war, we were told it was micromanagement. So any time the Congress attempts to do anything relating to foreign policy, it is labeled micromanagement. This bill is not micromanagement; I repeat, it is not micromanagement of American foreign policy.

The Arms Supplier Regime Act of 1991—cosponsored by Senators KASSEBAUM, MITCHELL, and others who will soon join—is, in fact, a classic legislative mandate: Setting broad goals and calling for the administration to advise the appropriate means of achieving those goals.

These broad goals are, very briefly, Mr. President, first, to halt the proliferation of unconventional weapons to the Middle East; and, second, to control the proliferation of advanced conventional arms to the Middle East.

The administration can decide whether additional nations—beyond the United States, the Soviet Union, France, the United Kingdom, and China should attend a suppliers' conference.

The administration can decide whether these broad goals can be best implemented through formal agreements or informal arrangements, or even handshakes.

The administration can decide whether to base the new regime on existing export controls or whether to create a whole new system.

The administration can decide how to institute better information-sharing practices among the supplier nations. The administration can decide which advanced conventional arms are to be banned and which are to be controlled and which need oversight.

That is not micromanagement. We are setting two broad goals: Cut off the unconventional weapons into the area and sharply limit the spread of sophisticated conventional weapons into the area.

The legislation makes clear that the goal of such a regime would be to enhance the security of friendly countries in the region. The purpose of the regime is not to withhold weapons that our friends need. It is, rather, to reduce their need for such weapons.

We do have binding language in this bill, Mr. President. If the administration refuses to devise a plan for Middle East arms control, if it refuses to make a good faith effort to convene a supplier nations conference, then the U.S. arms sales program to the Middle East will be terminated. If the administration takes these two steps, it will satisfy the requirement in the bill. If it refuses, we will know that it is not serious about Mideast arms control. In that event it would be irresponsible for Congress to allow a return to business as usual.

The time for action is now. The Bush administration displayed admirable leadership in building a coalition for war in the Middle East. Now it is time for the administration to display equal skill in building a coalition to secure long-term peace in the Middle East. By building that coalition now, Mr. President, in the form of an effective arms suppliers' cartel, President Bush can preempt the need to build another war coalition later.

Throughout history, producers of goods of all kinds have created cartels to limit supplies so as to increase profit. No example is more obvious than OPEC, led by the principal exporters of the Middle East. What I am proposing today, Mr. President, is the creation of a cartel with a very different purpose: A benign cartel, through which the governments of the arms-producing nations act together to limit supplies, not for the purpose of profit but, indeed, for the precise purpose of foregoing profit in order to build peace and stability in that region, a peace and stability that for decades has been missing.

We cannot alter the underlying reasons for the conflict in the Middle East, Mr. President. The current rush to restore the status quo in the region is ample demonstration of that. But what we can do is limit the means of conflict.

So, Mr. President, I urge the administration and my colleagues to join in acting toward that goal: Limiting the means of conflict.

Mrs. KASSEBAUM. Mr. President, I am pleased to be an original cosponsor with my colleague from Delaware, Senator BIDEN, who has long been an arms control leader in the Foreign Relations Committee.

Is this fanciful thinking? I do not believe so, Mr. President. As Senator BIDEN asked, can we develop a new response? Yes; I believe that we can. And we certainly must give it a try.

Since the end of the gulf war, many have believed that the United States must play a leadership role in building the peace, just as it did in fighting the war. In this regard, I commend President Bush and Secretary of State Baker for their tireless efforts to meet this formidable challenge. The President's commitment, announced yesterday, to destroy all of our chemical weapon capability is an important part of this process.

As we all know, the issues that divide the Middle East and make it such a volatile region have a long history and are deeply felt among the parties. The rivalries are complex and the solutions are elusive.

But, history is laden with opportunities, some missed and some utilized. I believe that the coalition victory in the gulf war has presented an opportunity for progress on these very difficult problems, and we must seize the moment in order to build a framework for peace.

One of the important lessons from the war is that we must make a concerted effort to stop the spread of weapons of mass destruction and to control the spread of conventional weapons. The euphoria of victory must not cloud the very real threat that these weapons pose to the region and all who have a stake in its stability.

Our victory should and must give us pause so that we can step back and put in place a meaningful approach to weapons control in the region.

Many of the Middle East countries possess or are seeking to possess weapons of mass destruction. The Middle East is the world's principal market for arms and military equipment. In 1988, the region accounted for 31 percent of the worldwide total in arms sales, or about $15 billion. That year, Iraq alone accounted for some $4.6 billion of those purchases. Eight of the 18 countries that spent more than 10 percent of their GNP on defense in 1988 were located in the Middle East. And, most of the conventional arms were provided by the five permanent members of the U.N. Security Council—the United States, the Soviet Union, China, France, and Britain.

Today, we are urging the President to add to his post-war agenda the establishment of an arms supplier re-

gime. I know it is something which the President cares about a great deal.

We are asking the President to build a coalition, similar to that which he so successfully put together in the war effort, that would be dedicated to stopping the flow to the region of unconventional arms, including chemical, biological, and nuclear weapons. The arms supplier regime would also be dedicated to limiting and controlling the flow of advanced conventional weapons to all nations of the Middle East and to encourage regional arms control. Under the bill, no arms sale to the Middle East could go forward until the President certifies that the Secretary of State has undertaken a good faith effort to establish such a regime.

In order to be successful, our approach to controlling arms in the region must be multilateral. While this may have seemed almost impossible in the past, the President's efforts to invigorate the United Nations during the gulf crisis now make such a regime feasible.

A victory in war is only complete when we act on the lessons we have learned. I believe this bill can be a step in that direction.

By Mr. CRANSTON (by request):

S. 1047. A bill to amend title 38, United States Code, to require, after the effective date of this amendment, licensure, certification, or registrtion of social workers appointed in the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

CREDENTIALS FOR DEPARTMENT OF VETERANS AFFAIRS SOCIAL WORKERS

• Mr. CRANSTON. Mr. President, as chairman of the Vetarans' Affairs Committee, I have today introduced, by request, S. 1047, a bill to amend title 38, United States Code, to require licensure, certification, or registration of social workers appointed in the Department of Veterans Affairs. The Secretary of Veterans Affairs submitted this legislation by letter dated May 3, 1991, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration—proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the May 3, 1991, transmittal letter and enclosed analysis of the proposed bill.

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

S. 1047

Be it enacted by the Senate and the House of Representatives of the United States of American in Congress assembled, That subsection (a) of section 4105 of title 38, United States Code, is amended by adding a new paragraph (10) as follows:

"(10) SOCIAL WORKER.—Hold a master's degree in social work from a college or university approved by the Secretary and, where the law of the State of employment so requires, be licensed, certified or registered as a social worker, except that to allow completion of requirements for such licensure, certification or registration, the Secretary may waive the requirement for a period not to exceed three years."

SEC. 2. This amendment shall not apply to any person employed as a social worker by the Department of Veterans Affairs on or before the date of enactment of this amendment.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, May 3, 1991.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, United States Code, to require, after the effective date of this amendment, licensure, certification or registration of social workers appointed in the Department of Veterans Affairs," with the request that it be referred to the appropriate committee for favorable consideration. This draft bill would establish in statute the qualification of licensure, registration or certification in order to be appointed to the position of social worker in the Department of Veterans Affairs (VA).

The draft bill reflects the improving formal standards for admission to the practice of social work in the United States. Currently, 48 States, as well as the District of Columbia, Puerto Rico and the Virgin Islands regulate the practice of social work through licensure, certification or registration. The remaining States have some form of licensure requirement or regulation under consideration. The U.S. Public Health Service, as part of its licensure and credentialing standards published in January 1986, established licensure as a basic requirement for social workers employed by that agency.

Further, the Joint Commission on Accreditation of Hospitals (JCAH), in its hospital accreditation manual designates as a "key factor" in the accreditation decision process, current licensure, registration or certification of social workers as legally required. The JCAH accreditation manual also considers professional licensure in determining the appropriateness of granting clinical privileges, a function of professional social workers in the delivery of care to veterans in all VA medical centers.

Moreover, third party payers for health care (Medicare, Medicaid, private insurance etc.) require that the care for which payment is to be made be provided by individuals with appropriate credentials. CHAMPUS and the Federal Employees Health Benefit Program have used licensure, except in areas which do not regulate social work, as the basis for identifying minimal clinical practice standards for social workers participating in these programs.

Thus, some form of social work licensure is fast becoming the universal standard for social work practice in health and mental health activities through the nation. The VA mission of providing quality medical care to veterans dictates that qualifications for social workers in the Department of Veterans Affairs be no less stringent that those prevailing in the health care community generally.

Requiring newly hired social workers in Department of Veterans Affairs facilities to be licensed would help assure the continued quality of care provided by the VA healthcare system by requiring that social workers employed to care for veterans meet ethical and qualification standards at least as high as those for social workers working with the general population.

The draft bill would apply, prospectively, to social worker applicants hired after the effective date of the amendment, and would not affect individual social workers presently employed at the VA. It would not require licensure, certification or registration for appointment to positions in VA facilities in States that do not regulate social workers. The draft bill would provide for a three-year period of waiver for completion of the licensure, registration or certification requirement. The waiver provision is included to allow for completion of licensure, registration or certification requirements after graduation, upon transfer, or after enactment of, or revision to, social worker regulations in an individual State.

There are no costs or savings during FYs 1991–1995 resulting from enacting this draft bill.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

EDWARD J. DERWINSKI.

ANALYSIS OF DRAFT BILL

The purpose of the draft bill is to establish that persons appointed as social workers in the Department of Veterans Affairs in States where the practice of social work requires such a credential, be licensed, certified or registered. The draft bill also includes the requirement of a master's degree in Social Work. The draft bill provides for a waiver period to allow new graduates or transferred employees to meet the specific State regulatory requirements.

Section 1 of the draft bill would add a new paragraph (a)(10) to section 4105 of title 38, which would make a matter of statute the educational and licensure qualifications of social worker appointees. The new paragraph would set out, consistent with the positions already covered in section 4105, the qualifications required for appointment to the position of social worker in the Veterans Health Services and Research Administration. For parallelism with the current qualifications in section 4105(a) for appointing psychologists, the draft bill also includes language addressing the current educational requirements for social workers.

Currently, regulation of social work practice is determined by the individual State, and States have varying requirements for a social worker to register, become certified or obtain a license to practice in the State. The draft bill would thus allow appointment as a social worker based on the form (license, certification or registration) of regulation used in the individual State.

In addition, each State has varying requirements before it will issue the licensure, certification or registration. For example, under State social worker clinical practice regulatory requirements in Virginia and Florida, a Social worker must obtain experience credit or work in a social work setting

under the supervision of a social worker for three years before obtaining the State license. The draft bill would allow a waiver period of up to three years to allow a graduate or transferred employee to meet the individual State requirement. The three year waiver authority is sufficiently long to accommodate even those States with three-year practice requirements before licensure, given that current administratively imposed licensure requirements for social workers include an internship which is countable in those States.

Section 2 of the draft bill establishes that the draft bill would have prospective application, requiring licensure, certification or registration of applicants for employment who would be hired after the effective date of the amendment. Social workers currently employed would not be required to obtain licensure, certification or registration, even after being transferred or promoted to a State that requires licensure, certification or registration.

It is anticipated the draft bill would not cover FYs 1991–1995, provide savings or incur costs. It is anticipated implementation of the draft bill would not result in any outlays.●

By Mr. DURENBERGER (for himself and Mr. WELLSTONE):

S. 1048. A bill to establish the Upper Mississippi River Environmental Education Center; to the Committee on Environment and Public Works.

UPPER MISSISSIPPI RIVER ENVIRONMENTAL EDUCATION CENTER

● Mr. DURENBERGER. Mr. President, I rise today to introduce S. 1048, a bill to authorize the construction of the Upper Mississippi River Environmental Education Center. It is the purpose of this legislation to create a facility that will educate generations of Americans on the benefits of environmental awareness as well as the natural value of the Upper Mississippi River.

Mr. President, as you know, Minnesota is famous for its rolling meadows and north woods. Winona, MN, the site of the center, is an extraordinarily unique area. Directly off I-90, Winona is distinctive in its geology, hydrology, and its beautiful scenery all of which make it a beautiful spot for this facility.

Thankfully Mr. President, our society is becoming increasingly aware of the need to be conscious of the environment in which we live and the need to protect it. For that reason, I am excited about this facility. It will house an environmental education center that will function first as a learning tool for schoolchildren as well as adults. Second, it will serve as an interpretation area depicting the environmental issues related to the Upper Mississippi River.

Mr. President, the local support for this center has been outstanding. The State of Minnesota has already allocated funds for preliminary studies that determined the feasibility of such a center. Additionally, my State has allocated $600,000 to be used as a match for moneys from the Federal Government. Furthermore, the local government of Winona has generously deeded over to the Federal Government the property on which the facility would be built. The city of Winona has also promised a local commitment, to date, of $75,000. Mr. President, if local and statewide interest is any barometer by which to measure the worthiness of a project, this one is very deserving indeed.

For the information of my colleagues, I have personally met with John Turner, the Director of the U.S. Fish and Wildlife Service, to discuss this project. Although the Fish and Wildlife Service is under obvious fiscal construction, he expressed an interest in this project as well.

Mr. President, the merits of this project are clear. The more we know about our environment and our natural resources, the more important they become to us. Construction of this center will help shape attitudes and build a commitment of respecting the environment. I am hopeful that by working with my colleagues on the Environment and Public Works Committee, we can soon see this authorization passed.●

By Mr. LEVIN (for himself, Mr. MOYNIHAN, Mr. SIMON, Mr. CRANSTON, and Mr. KERRY):

S. 1049. A bill to amend the Public Health Service Act to provide financial assistance to hospitals with a significant number of emergency department visits resulting from drug-related abuse and violence, and for other purposes; to the Committee on Labor and Human Resources.

HOSPITAL EMERGENCY DEPARTMENT UNCOMPENSATED CARE ACT

● Mr. LEVIN. Mr. President, the national drug epidemic has taken a devastating toll on many of our Nation's hospitals. The continuing increase in illicit drug use and its associated violence coupled with the millions of Americans who lack health insurance have combined to threaten the health care system in many of our cities. The growing distress hits hardest the hospital emergency departments and is, at least indirectly, adversely affecting the availability of health care for all our citizens. I've been visiting hospitals and talking to hospital administrators, physicians, and nurses in my home State of Michigan about this problem. Bronson Methodist Hospital, Butterworth Hospital, Hurley Medical Center, Henry Ford Hospital, Mount Carmel Hospital, St. John Hospital, and Detroit Receiving Hospital, to name a few, all are experiencing increased emergency room visits due to drug-related illness and violence. I have also studied this problem nationwide. It is clear that the situation demands our attention at the Federal level.

I am, therefore, introducing legislation, along with Senator MOYNIHAN, Senator SIMON, Senator CRANSTON, and Senator KERRY of Massachusetts, to provide financial assistance to hospitals that have incurred substantial uncompensated costs in providing emergency department services in areas with a significant incidence of illness and violence arising from the use of illicit drugs, and that serve a patient population that includes a significant number of patients who are treated for drug abuse or illness resulting from drug-related violent crimes. Under the proposal, the Secretary of Health and Human Services would be required to make grants to eligible hospitals to assist in paying for the uncompensated costs of providing such services.

Mr. President, hospitals nationwide report an increase in the number of drug abuse-related emergency cases. In its first comprehensive survey of hospital emergency departments across the United States, the American College of Emergency Physicians found increased emergency room visits in 41 States plus the District of Columbia. An article in the July 23, 1990 issue of Medical Economics summarized the grave problem with which we are faced: "* * * drug abuse and its associated violence * * * paired with dwindling resources is causing nightmarish logjams in emergency rooms nationwide—in small cities as well as big ones * * * and even rural areas. And the situation promises to get worse."

At Philadelphia's Albert Einstein Medical Center, three-quarters of those screened at the trauma center tested positive for illegal or prescription drugs. Dr. R. Jackson Allison Jr. of Pitt County Memorial Hospital in Greenville, NC, says, "it is not only inner cities that suffer. Drug pushers realize rural America is an easy mark. It is overwhelming the community.

Mr. President, the National Institute on Drug Abuse, a component of the Department of Health and Human Services, has released data from the Drug Abuse Warning Network [DAWN] which indicate a continuing increase in drug-related emergency room visits in 770 hospital emergency departments located primarily in 21 metropolitan areas. They include: Atlanta, Baltimore, Boston, Buffalo, Chicago, Dallas, Denver, Detroit, Los Angeles, Miami, Minneapolis, New Orleans, New York, Newark, Philadelphia, Phoenix, St. Louis, San Diego, San Francisco, Seattle, and Washington, DC.

In a January 1990 paper presented by Dennis Andrulis, president of the National Public Health and Hospital Institute before the U.S. Conference of Mayors Health Committee, the crisis was made clear. Andrulis said, in part:

Hospital emergency rooms are frequently the first treatment center to be overwhelmed. Our national survey of emergency and trauma care found that our cities public hospitals experienced crowding for 16 days

during one month of study. Thirty-five percent were required to divert ambulances while almost half had to restrict access for some patients.

A vivid picture was painted by Dr. Alexander J. Walt, Wayne State University, Professor of Surgery and Attending Surgeon at the Detroit Receiving Hospital and University Health Center, one of the major trauma centers in the State of Michigan. Speaking on behalf of the American College of Surgeons during a 1990 hearing on "Drug Treatment and the National Drug Abuse Strategy" before the House Energy and Commerce Subcommittee on Health and the Environment, Dr. Walt said, "The extraordinary increase in drug-related violence that we have been witnessing in many cities, and the associated increase in the number of trauma patients with penetrating injuries, has been paralleled by a dramatic rise in uncompensated care." Dr. Walt went on to say, "The problem of the injured drug-related patient is magnified by the fact that they do require more care. They are more expensive. They drain the resources of the hospitals."

Mr. President, similar sentiments were echoed by Ms. Beverly Chisholm, director of Detroit's Hutzel Hospital Recovery Center in testimony she presented before the Senate Judiciary Committee hearing, Drug Strategy Review, in September of last year: "Due to the escalating drug-dependent culture, the Nation is viewing * * * increased crime, increased homicides * * *, and finally an increase in the medically debilitated." She went on to speak about the "increased incidence over the last 5 years in birth addiction, low birthweight, and an array of medical issues precipitated by the mothers' substance abuse during pregnancy, requiring * * * long term hospitalization," which all constitute an added financial burden which consumes vast amounts of hospital resources.

Dr. Norman Rosenberg, director of emergency services at Children's Hospital of Michigan recently completed a study of 460 children between 1 and 60 months of age in whom urinalysis was required for investigation of routine pediatric complaints. Dr. Rosenberg found that "the prevalence of unsuspected cocaine exposure in infants and toddlers presented to the emergency department and revealed in this study, is indeed alarming."

Health experts agree there is a correlation between substance abuse and the incidence of accident or injury. The late Dr. Brack Bivins and associates conducted a study of 501 patients who were treated in the Henry Ford, Mount Carmel, Detroit Receiving and St. John Hospital's emergency departments for injuries related to urban violence, and tracked those patients over a 5-year period to determine the incidence of medical followup through the emergency centers. The report, released in 1989, showed the incidence of substance abuse among those patients who received a single followup trauma admission was 60 percent. The incidence of substance abuse in the patients admitted between two and five times to the emergency centers was 67 percent. In patients with five or more trauma incidents, the incidence of substance abuse was 100 percent.

Mr. President, the legislation we are introducing today, which authorizes funding levels of $200 million for fiscal year 1992, $225 million for fiscal year 1993, and $250 million for fiscal year 1994, will not solve the problems our hospitals are facing, but it certainly would help. These emergency departments and trauma centers are on the frontline of the war on drugs. We cannot ignore the economic pressures they are experiencing without risking the quality of health care they provide to all the residents of the community they seek to serve.

I ask unanimous consent that the bill be printed in the RECORD following my remarks.

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

S. 1049

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 "Hospital Emergency Department Uncompensated Care Act".

SEC. 2. HOSPITAL EMERGENCY DEPARTMENT GRANTS.

The Public Health Service Act is amended by inserting after section 330 (42 U.S.C. 254c) the following new section:

"SEC. 330A. GRANTS FOR UNCOMPENSATED COSTS OF HOSPITAL EMERGENCY DEPARTMENTS OPERATING IN AREAS IMPACTED BY DRUG-RELATED ILLNESS AND VIOLENCE.

"(a) DEFINITION.—As used in this subsection, the term 'hospital' includes a State or local public hospital, a private profit hospital, a private nonprofit hospital, a general or special hospital, and any other type of hospital (excluding a hospital owned or operated by an agency of the Federal Government), and any related facilities.

"(b) ESTABLISHMENT.—The Secretary shall make grants to eligible hospitals to assist the hospitals in paying for the uncompensated costs of providing emergency department services.

"(c) APPLICATION.—To be eligible to receive a grant under subsection (b), a hospital shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary determines to be necessary to carry out such subsection.

"(d) ELIGIBILITY.—Hospitals eligible to receive a grant under subsection (b) shall be hospitals in urban or rural areas that have emergency departments that—

"(1) have incurred substantial uncompensated costs in providing emergency department services in areas with a significant incidence of illness and violence arising from the abuse of drugs; and

"(2) serve, during the period of the grant, a patient population that includes a significant number of patients who are treated for drug abuse or wounds resulting from drug-related violent crimes.

"(e) LIMITATION ON DURATION OF SUPPORT.—The period during which a hospital receives payments under subsection (b) may not exceed 3 fiscal years, except that the Secretary may waive such requirement and authorize a hospital to receive such payments for 1 additional year.

"(f) REGULATION.—Not later than 6 months after the date of the enactment of this section, the Secretary shall promulgate regulations to carry out this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $200,000,000 for fiscal year 1992, $225,000,000 for fiscal year 1993, and $250,000,000 for fiscal year 1994.".●

By Mr. CRANSTON (by request):

S. 1050. A bill to amend title 38, United States Code, to allow the U.S. Court of Veterans Appeals to accept voluntary services and gifts and bequests, and for other purposes; to the Committee on Veterans' Affairs.

ACCEPTANCE OF VOLUNTARY SERVICES AND GIFTS BY THE U.S. COURT OF VETERANS APPEALS

● Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1050, a bill to amend title 38, United States Code, to allow the U.S. Court of Veterans Appeals to accept voluntary services and gifts and bequests, and for other purposes. The chief judge of the Court of Veterans Appeals proposed this legislation in a letter dated April 18, 1991, to me in my capacity as chairman of the Veterans' Affairs Committee.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration or court-proposed draft legislation that would be referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the April 18, 1991, transmittal letter.

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

S. 1050

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

SECTION 1. ACCEPTANCE OF VOLUNTARY SERVICES AND GIFTS BY THE UNITED STATES COURT OF VETERANS APPEALS.

Section 7281 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(i) The Court may accept and utilize voluntary and uncompensated (gratuitous) services, including services as authorized by section 3102(b) of title 5 and may accept, hold, administer, and utilize gifts and bequests of

personal property for the purpose of aiding or facilitating the work of the Court. Gifts or bequests of money to the Court shall be covered into the Treasury.".

COURT OF VETERANS APPEALS,
Washington, DC, April 18, 1991.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: There is currently pending in the Senate a bill (H.R. 153) to make technical amendments to the Veterans' Judicial Review Act. Based in part on the Court's proposals of June 13 and 19 and October 3, 1990, the bill was passed by the House of Representatives on February 20, 1991.

There is an additional Court-related matter which needs to be addressed by legislation, and I solicit your support for enactment of the following amendment to title 38.

ACCEPTANCE OF VOLUNTARY SERVICES

The Court requests that Section 4081 of title 38, United States Code, be amended by adding the following subsection (i):

"The Court may accept and utilize voluntary and uncompensated (gratuitous) services, including services as authorized by section 3102(b) of title 5; and may accept, hold, administer, and utilize gifts and bequests of personal property for the purpose of aiding or facilitating the work of the Court, but gifts or bequests of money shall be covered into the Treasury."

This change adopts the language of section 604(a)(17) of title 28, United States Code, which grants similar authority, on behalf of Article III courts, to the Director of the Administrative Office of the United States Courts.

The first part of the proposed change will permit this Court, in cooperation with educational institutions, to establish unpaid student intern programs similar to those operated by other federal courts. After having been approached by law schools, we have noted that the Court is not covered by any exception to the statutory limitation on voluntary services contained in section 1342 of title 31, United States Code.

The second part of the proposed change anticipates the likelihood that gifts or bequests, particularly of books or works of art, will be made to this Court as they have to other courts.

I want to thank you for the continued support and encouragement you and your staff have given the Court during its formative period.

Sincerely,

FRANK Q. NEBEKER,
Chief Judge.•

By Mr. DOLE (for Mr. DANFORTH, for himself and Mr. BOND):

S. 1055. A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to improve pipeline safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PIPELINE SAFETY IMPROVEMENT ACT OF 1991

• Mr. DANFORTH. Mr. President, since September 1988, there have been several serious pipeline accidents in Missouri and Kansas. Similarities between some of the accidents indicate that certain kinds of pipeline need more attention so potential dangers can be avoided. The Pipeline Safety Improvement Act of 1991 that Senator BOND and I are introducing today is designed to better ensure the safety of people, poverty, and the environment throughout the United States.

Pipeline accidents in Missouri and Kansas have involved three kinds of pipeline as follows:

NATURAL GAS DISTRIBUTION LINES

Three accidents involving such lines caused explosions that destroyed three homes. As a result, two people were killed in Oak Grove, MO; one person was killed and five were injured in Kansas City, MO; and four people were injured in Overland Park, KS.

CAST IRON NATURAL GAS PIPELINES

In one of a half dozen accidents involving cast iron pipelines, natural gas escaping from a damaged main in Kansas City, MO, ignited, causing one minor injury. In another, an explosion destroyed a home in Topeka, KS, killing one person and injuring two others.

OLDER OIL PIPELINES

One of the ruptures occurred in Maries County, dumping over 850,000 gallons of crude oil into the Gasconade River, a tributary of the Missouri and Mississippi Rivers. The other occurred near Ethel, MO, dumping over 100,000 gallons of oil in a farmer's field next to Turkey Creek, which leads into the Chariton River.

The accidents cited were investigated by the Office of Pipeline Safety of the U.S. Department of Transportation [DOT] and the National Transportation Safety Board [NTSB]. In addition, the Maries County pipeline spill also was studied by the National Institute of Standards and Technology [NIST]. The Pipeline Safety Improvement Act of 1991 responds directly to the findings and recommendations made by these agencies.

Specifically, the legislation would provide for the following:

First, protection of the environment as a responsibility of the Secretary of Transportation in meeting the needs of pipeline safety.

The cost of cleaning up the scenic Gasconade River after the Maries County spill has exceeded $15 million. Restoring the Chariton River and adjacent farmland likely will cost over $4.4 million. However, cleanup can never restore the environment to its original pristine state.

Currently, the Secretary has specific responsibility for protecting lives and property from pipeline hazards. Protecting the environment must be one of the Secretary's official responsibilities, too.

Second, expansion of the DOT pipeline information required under the Pipeline Safety Act of 1988 to identify three new areas:

Pipeline located in environmentally sensitive areas, such as earthquake zones; areas at high risk for ground water contamination; freshwater lakes, rivers, and waterways; and river deltas and other areas subject to soil erosion or flooding action where pipelines are likely to become exposed or undermined;

Pipeline facilities located in or adjacent to incorporated or unincorporated cities, towns, or villages would also be required to be included in the DOT pipeline inventory; and

All older pipelines—those constructed before 1971.

Based on its study of the Maries County oil spill, NIST recommended special safety standards for all pipelines, especially older pipelines, in "critical risk locations." To date, DOT does not know the location or extent of pipelines in areas posing the greatest risks to people or the environment. Similarly, DOT cannot account for grandfathered older pipelines that are exempt from DOT safety standards that only apply to pipelines built after 1970.

There are 354,000 miles of natural gas transmission pipelines and 155,000 miles of hazardous liquid pipelines crisscrossing the United States. DOT needs to be able to take action first where risks are greatest. It cannot do so until this critical information is available.

Third, a DOT survey of procedures and equipment used to rapidly detect and locate pipeline ruptures and shut down pipeline facilities, and issuance of related regulations for hazardous liquid pipelines located in certain environmentally sensitive and urban areas.

At about 4:30 p.m. on Christmas Eve 1988, an entire 48-foot segment of older pipeline ruptured in Maries County. The pipeline operator failed to recognize that a spill had occurred: When pipeline pressure dropped, he reacted by increasing the pumping rate. At 5:45 p.m., a farmer found the spill and notified pipeline officials, who were not able to reach the remote site and manually shut down the pipeline until 9:39 p.m. During that 5-hour period, hundreds of thousands of gallons flowed into the Gasconade River.

At this time, the technical ability of pipeline companies to detect and locate pipeline spills is improving, but still varies widely. This also is true with regard to the use of emergency flow-restricting devices to limit damage from pipeline failures. NIST recommended that such devices be installed on all pipelines in critical risk locations. DOT concluded in an April 11 report that installation of remote control and check valves on hazardous liquid pipelines would be beneficial in certain environmentally sensitive and urban areas. DOT should proceed to determine where such equipment should be required.

Fourth, standards for mandatory hydrostatic testing of all older pipelines.

Pipelines constructed after 1970 must undergo hydrostatic testing, a process which uses water under high pressure

to detect flaws. Older pipelines, including those that ruptured in Maries County and near Ethel, remain exempt from DOT testing requirements.

The need for hydrostatic testing of older pipelines is clear. NIST reported that the most failure-prone older pipelines, those manufactured using electric resistance welding [ERW], make up 40.9 percent of all interstate hazardous liquid pipelines. NIST also pointed out that 26 percent of the hazardous liquid pipeline failures between 1968 and 1988 occurred on pipelines that have never undergone hydrostatic testing. Issuance of a DOT rule to require testing of all older pipelines continues to be delayed. We cannot afford to wait any longer.

Fifth, regulations requiring operators of natural gas distribution systems to install excess flow valves in new and renewed gas service lines.

Since 1971, NTSB has recommended the installation of excess flow valves on natural gas service lines leading into homes. Such valves, when triggered by an excessive surge of gas caused by a pipeline rupture, will cut off the flow of gas so it does not collect in a basement or crawl space and explode. In its March 1990 report on five natural gas accidents in Kansas and Missouri, NTSB found that at least two, and possibly three, of the five accidents would have been prevented or minimized had there been excess flow valves on the gas service lines leading into the homes that were destroyed.

Excess flow valves should be installed, where it would be technically feasible and would enhance public safety, at the same time thousands of gas service lines are installed, renewed, or replaced each year. The cost of each installation would be about the same as purchasing and installing a home smoke detector. This is a very small price to pay given the potential return on investment in terms of lives saved.

Sixth, DOT guidelines for assessing the safety of existing cast iron pipes used for the transportation of natural gas, and for determining conditions under which safety demands the replacement of cast iron pipeline facilities.

NTSB notes that most cast iron natural gas pipeline mains were installed under city streets during the late 1880's and early 1900's. Pipeline companies are steadily replacing cast iron pipes with more modern materials, but cast iron pipe failures continue to average 90 per year, an indication that their frequency is increasing.

NTSB recommends that cast iron pipes be phased out in a planned, orderly, and economically feasible manner. Both DOT and the pipeline industry know that cast iron pipes have a tendency to become brittle and fail suddenly, releasing large amounts of gas. However, neither has determined the conditions under which such failures are most likely to occur so replacement can be planned to enhance public safety.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

SUMMARY OF THE PIPELINE SAFETY IMPROVEMENT ACT OF 1991

Section 1. Cites this as "The Pipeline Safety Improvement Act of 1991."

Section 2. Requires the Secretary of Transportation to define environmentally sensitive areas to include those such as the following:

Earthquake zones and areas subject to substantial ground movements such as landslides;

Areas where ground water contamination would be likely in the event of a pipeline rupture;

Freshwater lakes, rivers, and waterways; and

River deltas and other areas subject to soil erosion, subsidence from flooding, or other water action where pipelines are likely to become exposed or undermined.

Section 3. Charges the Secretary with responsibility for protection of the environment, in addition to meeting the needs of pipeline safety, in issuing federal pipeline standards. Also, adds a requirement that individuals who operate pipelines report to the Secretary conditions that "could have a significant adverse impact on the natural environment," in addition to those that constitute hazards to life or property.

Section 4. Expands the pipeline information required by the 1988 Pipeline Safety Act also to identify the following:

All pipelines located in, or adjacent to, environmentally sensitive areas;

All pipelines used for transmission or gathering of natural gas or petroleum products which are located in, or adjacent to, incorporated or unincorporated cities, towns or villages; and

All older pipelines (those constructed before 1971).

Section 5. Directs the Secretary, within 24 months, to survey and assess the effectiveness of procedures, systems, and equipment used to detect and locate pipeline ruptures and to minimize accidental product releases from hazardous liquid pipeline facilities.

Within 12 months of completion of such survey, DOT would issue regulations to establish standards and require procedures and equipment for the rapid detection and location of pipeline ruptures and shut down of pipeline facilities which are located in, or adjacent to, environmentally sensitive areas and cities, towns and villages.

Section 6. Requires that the Secretary issue regulations to require hydrostatic testing of all pipelines, regardless of the date of their construction. Previously hydrostatically tested pipelines could be excluded from such requirements.

Section 7. Directs the Secretary to issue regulations to require operators of natural gas distribution systems to install excess flow valves, where it would be technically feasible and would enhance public safety, in new and renewed gas service lines.

Section 8. Requires the Secretary to issue guidelines for assessing the safety of existing cast iron pipes used for the transportation of natural gas, and for determining the conditions under which pipeline facilities using cast iron pipes must be replaced in order to ensure continued pipeline safety.●

By Mr. MOYNIHAN (for himself and Mr. BURDICK):

S. 1056. A bill to provide for an architectural and engineering design competition for the construction, renovation, and repair of certain public buildings; to the Committee on Environment and Public Works.

EXCELLENCE IN PUBLIC ARCHITECTURE ACT

Mr. MOYNIHAN. Mr. President, today I introduce the Excellence in Public Architecture Act of 1991, a bill to improve the architectural quality of the public buildings built by the General Services Administration.

As chairman of the Environment and Public Works Committee's Subcommittee on Water Resources, Transportation and Infrastructure, GSA's public buildings program comes under my watch.

In 1962, it fell to me to write an architectural policy for the Federal Government. President Kennedy commissioned it. In the "Guiding Principles of Federal Architecture," I wrote, "the design of Federal office buildings * * * must meet a twofold requirement. First, it must provide efficient and economical facilities for the use of Government agencies. Second, it must provide visual testimony to the dignity, enterprise, vigor, and stability of the American Government." We knew, as did Thomas Jefferson at the founding of the new Republic, that to foster a sense of a shared American experience, trust, and common purpose, the quality of public design has got to be made a public issue because it is a political fact.

By and large it seems that we stopped caring about our public architecture. The retreat from magnificence, to use a phrase of Evelyn Waugh's, has gone on long enough. Too long. An era of great public works is as much needed in America as any other single element in our public life. I am pleased to say, however, that under the current GSA Administrator, Richard Austin, this most important public art is again receiving attention.

Under his watch we will finish three grand buildings—the Federal Triangle Building here in Washington, which Benjamin Forgey, that most respected architecture critic of the Washington Post, has reviewed in such glowing terms, and a courthouse and a Federal office building in Foley Square, NY. Attention to design excellence in these cases will be appreciated by generations to come.

To produce better design one must pay attention to it. One way to focus attention on design is through the use of design competitions. And we do have some experience with these. Dr. William Thornton was chosen as the designer of the Capitol through a design

competition. As was James Hoban, the White House architect.

Design competitions do not guarantee good design. But they do get us thinking about it. Our current process does not. These buildings are the public's and our selection process ought allow for their participation. Design competitions can accommodate a dialog between the architects and all of their clients—agency and community alike.

On March 14, my subcommittee heard from a distinguished panel on this subject. They all supported the increased use of design competitions. The bill I introduce today in no way changes the Brooks bill procedure by which GSA has been negotiating for architectural and engineering services since 1972. This process works well and ought not be changed.

The primary purpose of this bill is to turn the evaluation of design projects over to the public—to juries comprised of design experts and members of the community. Government officials will have a role as well. With the cooperation of the Commission of Fine Arts and the National Endowment for the Arts, the General Services Administration shall have the experience and expertise necessary to manage successful design competitions.

Mr. President, this bill is straightforward. It returns us to a design procurement process that has been responsible for the Capitol, the White House, and much more. These competitions can be run quickly and inexpensively. In the main we have stopped procuring architecturally important public buildings. This bill will move us back in the right direction.

Mr. President, I ask that the text of the bill be printed in the RECORD and I yield the floor.

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

S. 1056

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 "Excellence in Public Architecture Act of 1991".

SEC. 2. PUBLIC BUILDING DESIGN COMPETITIONS.

Title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.) is amended by adding at the end thereof the following new section:

"PUBLIC BUILDING DESIGN COMPETITIONS

"SEC. 905. (a)(1) No later than March 1, 1992, and no later than each March 1 thereafter, the Administrator shall submit to the Commission of Fine Arts and to Congress a list of all projects for the next fiscal year requiring approval under sections 7 and 11 of the Public Buildings Act of 1959 (40 U.S.C. 606 and 610) for which architectural and engineering services for building design or site planning shall first be procured during such fiscal year. In consultation with the Commission of Fine Arts, the Administrator shall designate a substantial number of such projects for which architectural and engineering services shall be acquired through design competitions conducted under this section. For each project so designated, the Administrator shall designate the appropriate competition format in accordance with paragraph (2) of this subsection.

"(2) No later than October 1, 1992, the Administrator in consultation with the Commission of Fine Arts, shall issue model rules under which competitions under this section shall be conducted. The rules shall be in accordance with the provisions of this title and shall—

"(A) establish no fewer than three different model competition procedure formats, at least one of which shall provide for competitions lasting no longer than sixty days and eliciting preliminary design concepts only;

"(B) require approval of the competition program for each project by the Commission of Fine Arts;

"(C) provide for appointment of a project competition adviser and appointment of a project competition jury by the National Endowment for the Arts, in consultation with the Administrator;

"(D) provide that, each jury shall include a representative of the General Services Administration and the principal Federal agency that shall occupy the project; and

"(E) require the project jury to report its recommendations in writing with reasons for such recommendations.

"(3) The Administrator shall conduct each competition provided for under this section and may provide for fair and reasonable compensation for those architect-engineering firms or individuals required to render extensive design services in the course of participating in a competition. Compensation for a competition adviser and for all firms in a competition, including travel costs, shall not exceed one percent of the estimated project cost.

"(4) Project competition juries shall make recommendations for selection based upon the architect-engineering firms or individuals determined best able to produce a design that shall—

"(A) bear visual testimony of the dignity, enterprise, vigor, and stability of the United States Government;

"(B) embody the finest contemporary American architectural thought; and

"(C) where appropriate, reflect regional architectural traditions.

"(5) The jury shall recommend to the Administrator—

"(A) the firm with which the agency head shall negotiate under section 904(a);

"(B) the firm with which the agency head shall negotiate under section 904(b), if necessary; and

"(C) the order of all firms with which the agency head shall negotiate under section 904(c), if necessary.

"(6) The Administrator shall make the final selection. If the selection differs from the jury recommendation the Administrator shall document his reasons for the public record.

"(7)(A) Services of individuals who are not Federal employees as competition jury members and project competition advisers may be procured by the Administrator as temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

"(B) An individual who serves on a competition jury or as a project competition adviser under the provisions of this section shall not be required to file a financial disclosure report under section 101 of the Ethics in Government Act of 1978 (5 U.S.C. App.) because of such service.

"(b)(1) A firm which participates in a design competition for a project under this section and enters into a contract under this section and section 904 for such project may receive no more than eight percent of the total project costs for architectural and engineering services.

"(2) The General Services Administration shall determine any fair and reasonable compensation for architectural and engineering services provided by a firm that participated in a design competition under this section, other than a firm described in paragraph (1).".

SEC. 3. INCREASE IN FEE LIMITATION FOR CERTAIN ARCHITECTURAL AND ENGINEERING SERVICES.

Section 304(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(b)) is amended in the first sentence by striking out "6 per centum" and inserting in lieu thereof "8 per centum".

By Mr. INOUYE (for himself, Mr. MCCAIN, Mr. SIMON, Mr. AKAKA, and Mr. CONRAD):

S. 1057. A bill to establish a permanent National Native American Advisory Commission, to remove restrictions regarding the reorganization of the Bureau of Indian Affairs, and for other purposes; to the Select Committee on Indian Affairs.

NATIONAL NATIVE AMERICAN ADVISORY COMMISSION ACT

• Mr. INOUYE. Mr. President, I am pleased today to introduce a bill to establish a National Native American Advisory Commission. This bill is long overdue in that it will, at long last, provide a mechanism by which citizens of Indian tribes and Alaska Native villages can make their voices heard, through their elected leaders, in the Halls of Congress and in the conference rooms of executive agencies of the Federal Government.

For too long, Congress and the executive branch of government have been deciding what is best for Indian country. Occasionally, strong voices from Indian country would be raised and we would listen. But, all too often, Indian policy has been made in a vacuum, without the needed input from the people for whom the policy is intended. The bill I am introducing today is the first step in providing a permanent, institutional voice for Indian country. The bill establishes a permanent advisory Commission that will be composed of elected leaders of the governments of Indian tribes and Alaska Native villages. These leaders will advise the agencies of the executive branch and the Congress on matters of importance to their communities. They will discuss important issues with other tribal leaders and representatives of the native people of this country at the local level and in turn let us know what the people want.

In addition to establishing a permanent advisory Commission, the bill will remove restrictions in current law with respect to a proposed reorganization of the Bureau of Indian Affairs. Late in the last fiscal year, the Assistant Secretary for Indian Affairs at the Department of the Interior announced plans for a major reorganization of the divisions and departments of the BIA within the Department of the Interior. Indian country reacted quickly and negatively. Simply put, Indian leaders believed they were going to have to accept major changes in Indian policy without an opportunity to provide input into the process. As a result, the Senate and House Appropriations Committees on the Interior agreed to conference language contained in Public Law 101-512, a bill making appropriations for the Department of the Interior for fiscal year 1991, that restricts the authority of the BIA to undertake plans and reprogramming requests to accomplish reorganization.

Since passage of Public Law 101-512, the BIA has established a task force of tribal leaders, three from each area office of the BIA, to consult and advise the BIA on plans for reorganization. This task force has had several meetings to address various aspects of the reorganization proposal. Title II of the bill I am introducing will remove restrictive language contained in Public Law 101-512 that would otherwise preclude implementation of any recommendations of the tribal leaders task force in this fiscal year. This is an important provision of the bill in that it sends a clear signal to the administration that Congress is serious about tribal consultation and, when that is accomplished, that the Congress will support the BIA in its efforts to move forward with needed reforms.

Mr. President, introduction of this measure is but a first step in what could be a long legislative process. However, I and the other cosponsors of the measure, believe that the Congress can and should move this bill quickly. As chairman of the Senate Select Committee on Indian Affairs, I am committed to early hearings on the important issues addressed by this measure and will look for support from my Senate colleagues for early passage of the bill.•

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1059. A bill to amend chapter 67 of title 10, United States Code, to grant eligibility for retired pay to certain personnel who were members of the Reserve components or other nonregular components of the Armed Forces before August 16, 1945, and did not perform active duty during certain periods, and for other purposes; to the Committee on Armed Services.

ELIGIBILITY FOR RETIRED PAY FOR NONREGULAR SERVICE

• Mr. AKAKA. Mr. President, today I am introducing legislation which will provide equality in retirement pay to certain personnel who were members of the reserve components or other nonregular components of the Armed Forces.

I am pleased that the senior Senator from Hawaii [Mr. INOUYE] is joining me in this effort to grant eligibility for retired pay to certain Armed Forces personnel.

Mr. President, this issue was brought to my attention by two individuals who reside in my home State of Hawaii. Both of these individuals have been denied retirement pay because they failed to perform active duty service either during World War II, the Korean conflict, the Berlin/Cuban crisis, or during the Vietnam conflict. The circumstances under which these individuals were unable to fulfill their active duty requirement are different, however, the result is still the same—both have been denied their retirement pay.

This denial fails to recognize the more than 20 years of distinguished service each individual gave to this country. The courts have stated that the active duty requirement was a deliberate and rational choice of Congress, and it was to be used as an inducement to help maintain a cadre of trained soldiers for active duty. As such, the denial of retirement pay to these individuals is in conflict to what Congress was trying to achieve.

For example, Edward Cooke served in the Naval Reserves from 1936 to 1939, he was not called to active duty during this time. In fact, he was honorably discharged by "Special Order of the Bureau of Navigation" because his skills were needed in a civilian shipyard position to support the military. This discharge also prevented his draft to active duty in the event of a national emergency.

He reenlisted in a Reserve component in 1953 and served without interruption until 1978, at which time he was transferred to the Retired Reserves. Because of his initial 3 years of service, Mr. Cooke has been denied his retirement pay because "(n)o person who, before August 16, 1945, was a Reserve of an Armed Forces, * * * is eligible for retired pay under this chapter, unless he performed active duty after April 5, 1917, and before November 12, 1918, or after September 8, 1940, and before January 1, 1947, or unless he performed active duty (other than for training) after June 26, 1950, and before July 28, 1953, after August 13, 1961, and before May 31, 1963, or after August 4, 1964, and before March 28, 1973."

Although Edward Cooke went on to serve his country diligently for 25 years in the Ready Reserve, he has been denied retirement pay because of his initial 3 years of service. If this gentleman has not served before August 16, 1945, and had enlisted in 1953 and retired as he did in 1978, he would have qualified for retirement benefits. This does not seem inherently fair. It is was the intent of Congress to provide retirement pay as an incentive to service in the Reserves, then Mr. Cooke's 25 years of honorable service certainly fulfills the intent of Congress, and therefore, he should receive his retirement pay.

There are also many retired Hawaii reservists and National Guardsmen who are caught in this tragic situation because of circumstances beyond their control, and I would like to share with my colleagues the predicament these individuals are currently facing due to the active duty requirement imposed by Congress.

After the start of World War II, the then Territory of Hawaii was placed under martial law and was administered by a Military Governor. On December 20, 1941, the Military Governor issued General Order No. 38, which froze many civilians to their jobs. Since this freeze was in effect until March 31, 1942, many reservists and National Guardsmen who were frozen to their civilian jobs were unable to fulfill their active duty as required by law. However, after the war many of these individuals reenlisted in the Reserve components and served honorably and faithfully for 20 or more years.

Take Lt. Col. Frank Carlos, retired, who at 17 years of age enlisted in the Hawaii National Guard in 1937. He was honorably discharged in April 1940 and went to work in the private sector. Due to the nature of his employment in the private sector, Frank was "frozen" to his job during World War II. Although Frank was drafted during this time, his "frozen" status prevented his enlistment.

In October 1947, Frank enlisted as a private in the Hawaii Air National Guard. Through 26 years of dedicated service, Frank rose to the position of lieutenant colonel. In December 1973, he was placed in the Air Force Retired Reserve due to a heart attack while participating in a general inspection exercise.

Although Frank carried out his duties with the Hawaii Air National Guard from 1947 to 1973, he was not called to active duty at any time during this period. It is unfair, therefore, to deny Frank Carlos and those like him their retirement pay because they were unable to fulfill the active duty requirement imposed by Congress, especially when such action was beyond their control.

Mr. President, many reservists and National Guardsmen are currently in this predicament—we should not diminish their contribution to this Nation simply because they did not serve on active duty. Some may say that this

provision will provide a benefit to those who may have deliberately attempted to avoid active duty, perhaps there are one or two individuals. But for the vast majority, many were willing and waiting to serve their country to the best of their abilities—they just were never called to duty.

Mr. President, the question here is equality—to deny retirement pay to reservists simply because they enlisted in the Reserves before August 16, 1945, and did not perform active duty, while ignoring 20 or more years of honorable service after this date, is wrong and unfair. This situation needs to be addressed and corrected which is why I am introducing this legislation. I urge my colleagues to join me in this effort to ensure equality for all of our Armed Forces personnel.●

By Mr. HARKIN (for himself, Mrs. KASSEBAUM, Mr. DASCHLE, Mr. GRASSLEY, Mr. BURDICK, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. SIMON, AND Mr. CONRAD):

S. 1060. A bill to authorize appropriations for local rail freight assistance through fiscal year 1994; to the Committee on Commerce, Science, and Transportation.

LOCAL RAIL FREIGHT ASSISTANCE REAUTHORIZATION ACT

● Mr. HARKIN. Mr. President, I am introducing, with the support of Senators KASSEBAUM, DASCHLE, PRESSLER, BURDICK, CONRAD, GRASSLEY, SIMON, and ROCKEFELLER, who have cosponsored this legislation that will reauthorize the Local Rail Freight Assistance Program. This program was last authorized in 1989 and with that authorization expiring on September 30, 1991. I would like to review, for just a moment, some of the reasons that I continue to support this legislation and urge my colleagues to do the same.

Mr. President, few governmental efforts are as cost efficient as this particular rail assistance program. Throughout my area of the country many railroad branch lines have been falling into disrepair. Much of this problem is caused by the fact that many railroad companies either don't have the capital to maintain a branch line or that companies may find more profitable uses for their capital elsewhere. Railroad branch lines, however, are an important resource for a number of communities across America. If this program did not exist and lines were solely rehabilitated on the basis of only the railroads' economic abilities, I suspect that many of these railroad branch lines would cease to exist. This would have serious consequences for not only farmers, miners, and manufacturers who depend on the railroad for transportation of their products, such a state of events would have serious consequences for taxpayers and consumers in this Nation as well.

In most situations, the cost of transporting bulk products such as coal and grains is much cheaper by rail than by truck. When rail lines fall into disrepair and disuse an added financial burden will register at the supermarket checkout line and in the utility bills of consumers.

In addition, there is an indirect cost to the taxpayer when rail branch lines are abandoned. It has been estimated it takes almost four diesel trucks to carry the load of one railroad car. If trucks are to replace railroads, the environmental effects and man hours wasted by this trade off, not to mention the cost to the taxpayer of the added wear and tear to our Nation's highways, speaks to the need to maintain the viablility of our rural railroad freight system.

This legislation contains a very modest authorization for the next 3 years—starting with $16 million for next year, $20 million for fiscal year 1993, and $25 million for fiscal year 1994.

As I have said this will be money well spent. In this day and age when international competitiveness is so crucial for the promotion of American exports, it is very important that the U.S. Government help maintain the most cost-effective transportation system possible. Our rail freight infrastructure is a small but crucial component of our Nation's transportation assets. Please join me in supporting this legislation which is a small step in what I hope will become a march to repair our Nation's decaying infrastructure.●

● Mr. DASCHLE. Mr. President, I am pleased to join with my colleagues today in introducing the reauthorization of the Local Rail Freight Assistance Program [LRFA].

First, I commend my distinguished colleague from Iowa, Senator HARKIN, for his leadership in once again bringing this crucial issue to the Senate floor. Those of us who work with him on a daily basis fully appreciate his continuing efforts on behalf of rural America.

Since the enactment of the LRFA in 1973, the rehabilitation of miles of vital rail lines traversing America has been realized. The LRFA has provided grants and low-interest loans for the acquisition of deteriorating branch lines and the rehabilitation of track. Once the loans have been issued, the repaid funds return to the States to address new railroad demands. This must be allowed to continue if the entire nation expects to meet the serious challenges facing railroads—especially in rural areas.

In my State, LRFA has been essential to saving existing rail lines. The rail system is an integral component of the economic vitality of South Dakota or any rural State. Especially in South Dakota, where agriculture is the prominent industry, rail transport is the lifeline for many farmers and businesses. The distances to export markets, such as the Pacific Northwest ports used by grain shippers in rural States, makes that point clear. Failure to reauthorize this program would seriously endanger the agricultural industry of America.

In the past, South Dakota had been faced with the potential loss of over half its rail network. The LRFA Program made it possible for miles of rail lines to remain operational and to provide safe and efficient transportation. South Dakota is one of many States to benefit from this program.

When the impact on the economic vitality of entire regions of the Nation, and the lives of individual farmers, is understood, the need for this reauthorization becomes clear. I strongly support this bill and urge my colleagues to join in this effort to continue this crucial program for providing needed rail service across the Nation.●

By Mr. CONRAD (for himself, Mrs. KASSEBAUM, and Mr. EXON):

S. 1061. A bill to amend the Internal Revenue Code of 1986 to extend treatment of certain rents under section 2032 to all qualified heirs; to the Committee on Finance.

ESTATE TAX TREATMENT OF FAMILY FARMS

● Mr. CONRAD. Mr. President, the measure I am introducing today, along with my distinguished colleagues from Kansas, Mrs. KASSEBAUM, and Nebraska, Mr. EXON, addresses a problem with the tax treatment of cash-rented farm property.

In 1988, the Technical Corrections Act made an important change in the estate tax law that will enable more farm families to keep an ongoing farming operation in the family when the property owner dies.

Section 2032A, as admended by the technical correction, extends special use valuation of farm property to surviving spouses who continue to cash-rent farm property to their children. Without this change, a recapture tax would have been imposed in such situations. By allowing the spouse to qualify for special use valuation, the correction was clearly intended to allow a farmer to transmit farm land to his children who would then continue to farm the property.

The 1988 provision, which applies to cash rentals occurring after December 31, 1986, was clearly helpful, but it did not entirely solve the problem. If there is no surviving spouse, it is not possible under the 1988 law to transmit such property to one's children or grandchildren without triggering the recapture tax.

The bill we are introducing today would apply to such analogous cases. Since the technical corrections law took effect, we've learned of examples of this inequity from our constituents. In North Dakota, I have a constituent

who cash-rented farm property from his mother, who had received the property from her father. Although the deceased grandfather qualified for special use valuation, neither the daughter nor the grandson would be able to under a provision applying only to surviving spouses.

I do not believe such situations are widespread, and it seems likely that Congress did not anticipate them when the language on surviving spouses was approved in 1988. But these cases do exist, and I believe they deserve the same treatment under section 2032A.

The bill we are introducing today is narrowly drawn to apply to qualified heirs who are immediate members of the decedent's family. It is almost identical to S. 460, which I sponsored in the 101st Congress. The only difference is the inclusion of a waiver of the statute of limitations, to give taxpayers who would become eligible for special use valuation under our bill the opportunity to amend their tax returns for years in which they paid the recapture tax.

I urge my colleagues to consider the fairness of making this change, and approve a further correction in this area.●

By Mr. ROTH:

S. 1062. A bill to provide television broadcast time without charge to Senate candidates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FREE TELEVISION BROADCAST TIME TO SENATE CANDIDATES

Mr. ROTH. Mr. President, for over 20 years as a Senator, I have been studying the subject of campaign finance reform. After considerable reflection, I have come to the conclusion that my initial views were correct. The key to reform in this body is free television time.

In 1971, I recall broaching the proposal with my colleagues. At the time, there were only a handful of Senators who would support it. Today, I am not sure what my colleagues would do. But I am convinced that free television time for Senate candidates is an idea whose time has come.

The cost of television time is a very large percentage of total campaign expenditures. It is the single reason why expensive races are expensive. While estimates of costs vary, they are all substantial. This is particularly true of Senate races.

If television broadcast licensees were required as a condition of their license to serve the public interest by providing free time, the cost of Senate campaigns would dramatically drop. Senate candidates would become less dependent on fundraising and fundraisers. No candidate enjoys spending the time it takes today to raise substantial sums for campaigns. Nor is the public pleased with the dependence of candidates on fundraising.

But the adoption of my proposal would have an impact well beyond these concerns. Free television time would have a profound impact on the electoral process. It would not only provide major campaign finance reform, it would also obviate whatever need some hold for limiting the terms of Senators.

Those who advocate term limitations base their argument on the concept that elections between incumbents and challengers are so uncompetitive that a constitutional amendment is needed to bar incumbents from running. My proposal would undercut that premise by guaranteeing that a challenger would have the opportunity for a full presentation of his or her views on television. In my opinion, the single most important factor in making a campaign competitive is whether the challenger has an opportunity to state his or her case to the electorate.

While term-limitation proposals restrict the political power of the people, my proposal would nourish it. The people would have the opportunity to hear both sides of the contest. Their choice would not be limited only to challengers.

Perhaps the competitive aspects of my proposal will cause some incumbents to oppose my proposal. Many reforms are frankly proposed because they make campaigning harder for challengers or for the other party. This reform proposal is different. It will make incumbents less comfortable. I doubt, however, that this reason for opposing my proposal will be heard very much.

How would my proposal work? It would require television broadcast stations to make available, without charge, an amount of television time sufficient to allow incumbents and challengers seeking Federal office to make their case to the electorate in the 45-day period preceding the general election. Free television time would be made available on the condition that the candidate forego both the purchase of time on his own and the acceptance of additional time purchased by any other person during this 45-day period.

We all are impacted by the spiraling costs of television time. Eliminating the cost eliminates our dependence on contributions necessary to pay the cost. Without television costs, I doubt we would have a campaign finance problem to remedy.

By cutting the largest cost of a campaign for a candidate in return for a commitment not to purchase or accept additional television time, my proposal includes within it a limit on spending regarding the single most significant budget item in any campaign. I believe that my proposal might serve as a possible compromise between the parties, should they so desire. It would cut campaign budgets by more than half, which should appeal to everyone, regardless of party affiliation. It would limit spending on television broadcast time during the general election campaign, which should appeal to Democrats, who have proposed spending limits.

The proposal would apply only to the general election, but the FCC is directed to report back to Congress the recommendations on possibly the concept to primary and other elections.

Let me now address certain questions that my colleagues may have. How much time would the proposal provide? No fixed amount is set forth in the legislation. Rather the FCC, the agency with jurisdiction over the airwaves, is directed to consult with the Federal Election Commission and then determine how much time would be allocated for each race taking into account the amount of television broadcast time previously used by candidates for the Senate in that State, provided that the time made available be sufficient to make a complete presentation of views to the electorate. The proviso is intended to deal with precedents involving uncontested or virtually uncontested Senate elections in which full use of television broadcast time was not necessary. It is my intention that the amount of television broadcast time be substantial, the equivalent of the current use of television broadcast time in a contested election. It should be so ample as to induce each and every candidate to accept the offer and its terms.

What kind of time will it be? Basically prime time. The FCC is directed to ensure that the television time provided be at hours of the day that people are watching. A television broadcast station could not fulfill the mandate by providing time after midnight or on Saturday mornings during cartoons.

Won't some stations bear a disproportionate share of the burden? In case that should happen, as it might, the FCC is authorized to direct television broadcasters to pool resources so as to ameliorate any disproportionate financial impact on a particular broadcaster.

How are third parties treated under the proposal? Candidates who are not nominees of the major parties are entitled to proportionately less time, as measured by the level of their small contributions compared to the corresponding levels for the major party candidates. There have been occasions when third-party candidates for the Senate have, in fact, won. So third parties must be accommodated for both practical and constitutional reasons. My proposal would allow the FCC to use the level of small contributions as a measure of third-party entitlement to television broadcast time.

Mr. President, last year, while I was circulating my proposal as a possible

amendment to the campaign finance legislation, I encountered three different concerns. The first is that the broadcasters would get very angry with those who support this proposal. But if you reflect on the fear inherent in that thought, it simply underscores how important television broadcast time is to the future of American politics. The second concern about my proposal was that it basically solved the problem so well that other solutions that have been advocated; namely, public financing and spending limits; might become virtually unnecessary. This was a very sad reason to oppose my proposal. It showed me what a sorry state campaign finance reform legislation was in last year.

The third concern was that the amendment might be unconstitutional. I strongly disagree with this contention.

We have historically conditioned the holding of a broadcast license on serving the public interest. To me there is little that can surpass either; First, the public interest in reducing campaign costs; or second, the public interest in providing the opportunity for candidates to present their view so the elections might hinge on the merits rather than on television advertising advantages.

No one would suggest that if a TV station decided on its own to adopt the policy of this legislation—a limited amount of free TV time and no more, there would be a constitutional problem. The station would only be operating in the public interest. The legislation merely gives definition to that term. The broadcast media have been compelled to grant access to their channels of communication against their will before. The fairness doctrine and the equal opportunity doctrine are prime examples. They were challenged as unconstitutional in the landmark case of *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367 (1969). The Supreme Court held such compulsory access to be valid, saying that the first amendment as applied to the broadcast media required a balancing of interests with those of the audience paramount. Compelling all sides of an issue to be heard furthers rather than thwarts the ends of the first amendment. Such regulation, the Court said, is permitted under the first amendment because of the scarcity of broadcast frequencies, the use of which is licensed.

The National Association of Broadcasters [NAB] testified recently before the Rules Committee in opposition to the concept of free television time. The NAB argued that the distinction drawn by the Supreme Court between the broadcast industry with a scarcity of broadcast frequencies and the newspaper industry with unlimited capacities has become outmoded. But NAB's factual argument is entirely undercut by its own discussion of current marketing practices of preemptible and non preemptible time. The NAB characterizes the sale of time as an auction where higher bidders bump lower ones. That is not the way a customer buys advertising space in a newspaper. The newspaper creates more space for the next ad rather than preempt the previous customer.

Thus, from NAB's own testimony it appears that the scarcity rationale of the Supreme Court's Red Lion decision is still valid. Access to broadcast channels may still be compelled by the government for the public interest. The business of broadcasting is not exempt from government regulations that carry financial costs merely because broadcasters exercise first amendment rights. The only difference between compulsory access and compulsory free access is money. But Senators must forgo money earned for their exercise of first amendment rights after they have earned a certain level of honoraria. And each exercise is subject to a $2,000 limit. No one has seriously suggested that these limits are unconstitutional. The point is that it is not the broadcaster's profits that are constitutionally protected but rather it is their use of the airwaves. Compulsory access is justified, however, because of the scarcity of frequencies.

The program of compulsory discounted broadcast time which the NAB supports is no different—constitutionally—from the program of compulsory free time that I advocate. Yes, there may be a financial difference. But not a constitutional one.

Therefore, in my opinion, the proposal is constitutional. While TV stations are sure to complain, it is an opportunity for them to demonstrate their claim that they serve the public interest.

Mr. President, it is time to recapture the airwaves to allow them to be put to public use. I can think of no better way to serve the American public than for television broadcast stations to serve as a public forum for electoral discourse.

Mr. President, I ask unanimous consent that the legislation I am introducing at this time be placed in the RECORD following my remarks. I also ask unanimous consent that a commentary by Charles Krauthammer entitled, "Why Candidates Should Get Free TV Time," that appeared in the Washington Post on October 24, 1986, and an editorial from Roll Call that appeared on February 25, 1991, be printed in the RECORD.

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

S. 1062

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

Section 315 (a) of the Communications Act of 1934 is amended to read as follows:

(a) ALLOWANCE OF TELEVISION BROADCAST TIME FOR CERTAIN CANDIDATES; CENSORSHIP PROHIBITION.—Each licensee operating a television broadcasting station shall make available without charge to any legally qualified candidate in the general election for the office of United States Senator an amount of broadcast time, determined by the Commission under subsection (d), for use in his or her campaign for election, subject to the conditions and limitations of subsection (e). No licensee shall have power of censorship over the material broadcast under the provisions of this section.

(b) EQUAL OPPORTUNITIES REQUIREMENT; CENSORSHIP PROHIBITION; ALLOWANCE OF STATION USE.—Except in those circumstances to which subsection (a) applies, if any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he or she shall afford equal opportunities to all other such candidates for the office in the use of such broadcasting station: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed under this subsection upon any licensee to allow the use of its station by any such candidate.

(c) NEWS APPEARANCES EXCEPTION; PUBLIC INTEREST; PUBLIC ISSUES DISCUSSION OPPORTUNITIES.—Appearance by a legally qualified candidate on any—

(1) bona fide newscast;

(2) bona fide news interview;

(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

(4) on-the-spot coverage of bona fide events (including but not limited to political conventions and activities incidental thereto);

shall not be deemed to be use of a broadcasting station within the meaning of subsections (a) or (b). Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscast, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

(d) RULES AND REGULATIONS REGARDING ALLOWANCE OF TELEVISION BROADCAST TIME FOR CERTAIN CANDIDATES.—The Commission shall, after consultation with the Federal Election Commission, determine the amount of television broadcast time that legally qualified major-party candidates for a Senate office may receive under subsection (a) on the basis of the amount of television broadcast time used by major-party candidates in the previous election of the United States Senate, provided that at a minimum such candidates be provided an amount of television broadcast time necessary to make a complete presentation of views to the electorate in the pending election. The amount of television broadcast time that each candidate is eligible to receive and the amount of such time that each licensee must make available to each eligible candidate by name shall be published prior to each Senate election in the Federal Register by the Commission on a date established by regulation. The broadcast time made available under subsection (a) shall be made available during the 45-day period preceding the general election for such office. The Commission shall ensure that the television broadcast time made available under subsection (a) shall be

made available fairly and equitably, through licensees commonly used by candidates seeking the particular United States Senate office, and at hours of the day which reflect television viewing habits and contemporaneous campaign practices. A legally qualified candidate of a party other than a party which obtained 5 percent or more of the popular vote in the last presidential election shall, by regulation of the Commission, be granted an allocation of broadcast time in proportion to the amount of contributions under $250 such a candidate has received when compared to such contributions received by candidates of the major parties, provided that such proportion exceeds 5 percent. The Commission shall require licensees operating television broadcasting stations to enter into a pooling agreement to ameliorate any disproportionate financial impact on particular licensees. For purposes of this subsection, a major party is a party which obtained more than 5% of the popular vote in the previous presidential election.

(e) CONDITIONS AND LIMITATIONS.—The entitlement of any legally qualified candidate to television broadcast time under subsection (a) is conditional upon (1) signing an agreement to forego both the purchase of any additional amount of broadcast time, and the acceptance of any additional amount of television broadcast time purchased by another, during the period that such time is made available with respect to such candidacy pursuant to subsection (a) and the Commission's regulations, and (2) filing a copy of such agreement with the Commission.

(f) PENALTIES AND REMEDIES.—Any candidate who purchases or accepts purchased television broadcast time in violation of such agreement shall be subject, upon conviction, to imprisonment of up to one year or a fine of up to $10,000, or both. Any licensee who sells television broadcast time to a candidate, who has filed an agreement, in excess of the time to be provided by such licensee to such candidate pursuant to subsection (a) and the Commission's regulations shall be subject to appropriate disciplinary action by the Commission, including (1) an order requiring the licensee to provide an equal amount of time to other candidates for the same office, or (2) an order revoking the licensee's license.

SEC. 2. Section 315 of the Communications Act of 1934 is further amended as follows: (1) in subsection (b) by striking the phrase "The charges" and inserting in lieu thereof "Except to the extent that the provisions of subsection (a) apply, the charges"; (2) by redesignating subsections (b), (c), and (d) as (f), (g), and (h) respectively; and (3) by adding "generally" after "Rules and regulations" in redesignated subsection (h).

SEC. 3. Subsection (a)(7) of section 312 of the Communications Act of 1934, as amended, is amended to read as follows: "(7) for willful or repeated failure to comply with the provisions of section 315 of this title."

SEC. 4. Subsection (8) of section 301 of the Federal Election Campaign Act of 1971, as amended, relating to exclusions from the definition of contributions, is amended as follows: (1) at the end of paragraph (B) (xiii) by striking the semicolon; (2) at the end of paragraph (B)(xiv) by striking the period and inserting "; and" in lieu thereof; and (3) at the end of paragraph (B) by adding the following; "(xv) the value of any television broadcast time provided without charge by a licensee pursuant to section 315(a) of the Communications Act of 1934, as amended."

SEC. 5. Subsection (9) of section 301 of the Federal Election Campaign Act of 1971, as amended, relating to exclusions from the definition of expenditures, is amended as follows: (1) by inserting after paragraph (B)(i) the following: "(ii) the provision without charge of any television broadcast time by a licensee pursuant to section 315(a) of the Communications Act of 1934, as amended;" and (2) be redesignating subsequent subparagraphs accordingly.

SEC. 6. The Federal Communications Commission shall study the application of section 315(a) of the Communications Act of 1934, as amended by this Act, to the first general election campaign conducted under the provisions of that section and shall report the results of that study, together with recommendations, including recommendations for legislation, not later than the first day of March following such general election. The study shall also evaluate the desirability and feasibility of extending the provisions of section 315(a) of the Communications Act of 1934 to primary and other election campaigns.

SEC. 7. The Federal Communications Commission shall promulgate rules and regulations to implement this Act no later than 180 days after the date of enactment of this Act. Sections 1 and 2 of this Act shall not take effect until the first day of July following the promulgations of such rules and regulations.

[From the Washington Post, Oct. 24, 1986]

WHY CANDIDATES SHOULD GET FREE TV TIME

(By Charles Krauthammer)

Campaign '86 has already made its mark. Political advertising has reached a nadir of nattering negativism. The volume and pitch of negative advertising has itself become a major issue. (More than half of political ads are negative, versus 5 percent in commercial advertising.) Hence a new etiquette: a James Broyhill commercial (Senate, North Carolina) pauses to call for "a clean campaign" before attacking opponent Terry Sanford. And some delicious touches: during a television debate, Roy Romer (governorship, Colorado) offers his hand to his opponent for a mutual moratorium on negative ads. Hand and offer refused. Live.

This may also be the year the American campaign finally went indoors, never to come out. ("A political rally in California consists of three people around a television set," observed Bob Shrum, Sen. Alan Cranston's media man.) But the market—i.e. electorate—will rule on negative advertising. And there is not much point decrying the electronic campaign. Might as well decry the demise of the slide rule. Technology has its imperatives. The real scandal of American elections is not the fact of television advertising nor the negative content, but the money it takes to rebut it.

In any reasonable-sized state, campaigning has been streamlined. It now consists of two activities: fund-raising and media buys. Raise money from rich people to buy the means to persuade everybody else. The candidate has no choice. Campaign costs have gone from $750,000 per Senate race in 1980 to $3 million in 1984. The 18 hottest races in the '86 campaign have already reached that level and there are two weeks still to go.

Why so much? Television. On average more than half of all campaign money goes to TV advertising. In Florida the two Senate candidates, Paula Hawkins and Bob Graham, will likely spend over $7 million between them on television alone. In California, the candidates are spending about $10 million each, mostly for media.

The result? A set of rich people (donors) grows powerful, and a set of powerful people (owners of television stations) grows rich. A cozy arrangement within the, shall we say, ruling class. The result is an extraordinary, and extraordinarily unnecessary, augmentation of its power.

The rich already have more than their share of power in a democracy. That can be cured in two ways. By abolishing the rich, a method amply shown to be the surest road to general poverty. Or by loosening their grip on the electoral process.

How? The approach until now has been, as usual, supply side. We pretend to fight drugs by burning out Bolivian suppliers; we pretend to fight campaign corruption by limiting the supply of political money.

Campaign laws that limit giving have produced their inevitable, if unintended, consequences. Among them are the wild proliferation of special interest PACs, the absurd political windfall for rich candidates (you can give as much as you want to yourself: John Dyson just gave himself $6 million to lose a New York Senate primary), and the premium on glamorous friends who can raise large sums with a concert at their Malibu estate.

Candidates should not have to spend all their time in the salons of the rich or of pop stars to get money to pay for ads to engage in the most important political speech of the day, TV speech. There is a simpler way. Demand-side: make political advertising on television and radio free. Take away the largest financial drain on campaigns and the demand for political money falls. And with it falls the political price extracted from the candidate—and the democracy—by donors.

Airwaves, like landing rights or Yellowstone camp grounds, are a scarce national resource to be regulated by government. Sensibly, the American government does not operate the airwaves. It allocates them to private persons. Television licenses are unbelievably lucrative. In major markets a television station is worth about a quarter of a billion dollars. The physical plant costs roughly $5-$10 million. Much of the difference is the value of the operating license, a gift from the FCC. Recipients of that gift should minimally be required to grant free air time for political speech.

Taxpayers should not have to pay for it. Nor should candidates. Nor, beyond their quota of free time, should candidates be permitted to buy more. Otherwise the whole point of free media—fairness and reducing the political utility of money—is defeated.

True, a fixed amount of television time is a kind of restriction on political speech. But (1) the amount of free time can be made large. (2) It works elsewhere: Britain has a similar system, and British democracy is not noticeably impaired. And (3) you can't have everything. There is a trade-off. In a democracy, power depends on votes. To the extent that votes are less a slave to money, democracy is enhanced. If the price for that is curtailing, at the margin, the political speech of the rich and famous, we will have found ourselves a bargain.

[From Roll Call, Feb. 25, 1991]

THAT CAMPAIGN MONEY

Before members of the new task force on campaign finance reform start ripping the current system to shreds, they should read carefully the 70-page document that the FEC has produced on the 1990 election cycle. The FEC's fine statistical work is summarized in our article on page one. It shows that campaign spending was down significantly—by some $14 million—in the '90 cycle compared with the '88 cycle. There are reasons given, certainly, including a sluggish economy and

a supposed lack of hot Senate races. Actually, some Senate contests were exceedingly hot—Levin vs. Schuette in Michigan cost $10 million, Simon vs. Martin in Illinois cost $13 million, Kerry vs. Rappaport in Massachusetts cost $13 million, and Helms vs. Gantt in North Carolina cost $26 million, to cite only a few. The fanatics can make all the excuses they want, but the fact is that overall spending fell, and PAC giving rose by only 2 percent.

What are we to make of the numbers? First, they suggest strongly that we should take a circumspect attitude toward sweeping campaign reform. The average Congressional candidate raised $267,120; that is not an enormous amount of money. Incumbents outspent challengers by a wide margin, but that is to be expected. Incumbents, by definition, already have the approval of voters. We shouldn't be amazed that such approval is affirmed through campaign contributions. The numbers also suggest a certain self-restraint on the part of PACs. Rightly or wrongly (and we believe wrongly), PACs have taken the brunt of the campaign-finance criticism. PAC directors know they're under scrutiny, and there is evidence that they are lightening up. This is exactly the sort of marketplace reaction that's healthy. To complain about the influence of large donors like PACs is legitimate, but to make serious structural changes in the campaign finance system could be very dangerous.

More important than the aggregate figures, however, is the fine print. The clear conclusion to be drawn is that money alone does not win elections. In Minnesota, Democratic challenger Paul Wellstone, for example, spent $1.3 million to beat Sen. Rudy Boschwitz; the incumbent spent nearly $8 million. In New Jersey, Christine Whitman (R) spent $800,000 and received 49 percent of the vote; the winner, Sen. Bill Bradley (D), spent more than $12 million.

On the House side, Rep. Vic Fazio (D-Calif) spent $1 million but received only 55 percent of the vote against two opponents who together spent $40,000. Rep. Newt Gingrich (R-Ga) spent $1.5 million and took just 51 percent against David Worley (D), who spent only $334,000. Rep. Bill Lowery (R-Calif) spent $576,000 but beat his opponent, who spent $72,000, by a margin of only 49 to 44 percent.

Figures like these strongly indicate that money is overrated as a factor in our political life. More subtly, they seem to say that perhaps beyond a certain threshold, perhaps as low as $100,000 or $200,000, marginal spending does not have a big effect. That is why we believe that the most important campaign reform is the simplest: Allow candidates of major parties free broadcast time on TV and radio, perhaps $100,000 in House races. Such a system would obviate some of the need for time-consuming fundraising and would level the playing field for challengers.●

By Mr. DOMENICI (for himself, Mr. AKAKA, Mr. MURKOWSKI, and Mr. COCHRAN):

S. 1063. A bill to provide education loans to students entering the teaching profession and to provide incentives for students to pursue teaching careers in areas of national significance; to the Committee on Labor and Human Resources.

COLLEGE HONORS PROGRAM ACT

● Mr. DOMENICI. Mr. President, the bill I am introducing today is a slight modification of one I introduced on March 5, 1991, S. 536, the College Honors Program.

Rather than describe the bill as I did back in March, I would like to simply point out the changes that are proposed here today. Simply, we are adding language that will provide incentives for students, subsequent to completion of their academic preparation, to teach in Alaska Native villages and in areas with high concentrations of native Hawaiians. These incentives already exist in the original legislation for students to pursue careers on Indian reservations and I believe it is appropriate to include other native Americans as well.

Mr. President, I am pleased to have as original cosponsors Senator AKAKA, Senator MURKOWSKI, and Senator COCHRAN. I believe this is a very important piece of legislation and I look forward to its consideration by the Committee on Labor and Human Resources.●

By Mr. GLENN (for himself and Mr. METZENBAUM):

S. 1064. A bill to establish the Dayton Aviation Heritage National Historical Park in Dayton, OH, and for other purposes; to the Committee on Energy and Natural Resources.

DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK AND WRIGHT-DUNBAR NATIONAL HISTORIC PRESERVATION DISTRICT

Mr. GLENN. Mr. President, I rise today to introduce legislation to create a national park in Dayton, OH, to honor the Wright brothers, Paul Laurence Dunbar, and others who assisted in the birth of aviation. As an aviator, I have long admired the Wright brothers for their great discovery. Since I was a small child, I have heard of that great day in Kill Devil Hills, NC, when Orville and Wilbur Wright succeeded in the first sustained, controlled, heavier than air, manned flight. However great that day was, and, Mr. President, I feel it was monumental, that one day, December 17, 1903, was the culmination of years of arduous work and experimentation, most of which occurred in Dayton. These two men experimented as none before, performing research and experimentation to prove the feasibility of flight. And they were right!

Orville and Wilbur Wright were two of five children. As the sons of a Brethren bishop, hard work and perseverance were instilled in them at an early age. Both had complementary personalities: Orville was an idea man and a dreamer, while Wilbur was meticulous in his habits and followed his projects through to the end. Together their strengths and weaknesses, combined with their exceptional mechanical aptitude, enabled them to comprehend the complex aeronautical experiments that had already been performed by men like Gustav Lilienthal and Octave Chanute.

The Wrights learned the mechanics of bicycles in their bicycle shop and incorporated the very same principles into airplane designs. Before the flyer, they experimented with kites, increasing their size until in 1899, Wilbur built a biplane model with a 5 foot wingspan. Each experiment was larger and more complex than the last. Once the Wrights learned of one aviation property, they recorded and incorporated it into their successive designs, until on December 17, 1903, the Wrights accomplished their goal in Kill Devil Hills. Strapped into what is similar to a modern hang glider, Orville made his first flight. Ironically, the flight which forever altered transportation was witnessed by only five people and lasted only 12 seconds. It traversed a distance of only 120 feet. By noon of that day, the fourth flight, made by Wilbur, remained in the air 59 seconds and traveled 852 feet.

This legislation establishes the Wright-Dunbar Historic Preservation District in Dayton's west side, with boundaries identical to those of the Wright-Dunbar Village, already established by the city of Dayton. The National Park Service is required to buy, restore, and maintain the building which housed the Wright Brothers Cycle Co. and the Hoover block, the building which housed the Wright brothers' printing shop.

The National Park Service is authorized to buy other properties within the park boundaries. The National Park Service is allowed 120 days to exercise the right of first refusal if Hawthorn Hill is sold. In addition, the National Park Service may enter into agreements with Federal, State, or local governments or private organizations to carry out any function permitted under the act, and it may restore properties that it does not own.

The legislation further calls for a general management plan, a 3-year study to determine the direction and needs of the park. Public participation is required in the preparation of the study, and the National Park Service must consult with the owners of the national historic landmarks which are incorporated in the park.

This legislation establishes the Dayton Historic Preservation Commission, which shall administer the preservation district, enhance and preserve historic resources in the Dayton area associated with the Wright brothers, the history of aviation, and Paul Laurence Dunbar. Terms are 2 years, but some initial members are there to create staggered terms, and are without pay. The Commission will end after the year 2003, the 100th anniversary of the first flight. The Commission has the authority to: First, operate loan and grants programs for revitalization of the preservation district; second, offer technical assistance to owners of historic properties in Dayton; third, offer

grants or conduct historical and cultural programs that benefit the park; and fourth, own or maintain property within the preservation district or historic property outside the preservation district.

Its membership shall include appointments of the Secretaries of Defense, Housing and Urban Development, Transportation, and the Interior, many based on recommendations by various State and local officials. The total estimated costs of this parcel are estimated at $5,494,000, with a combined acreage of 128.

Mr. President, I would like to tell you today that everyone was behind the Wright brothers 100 percent. But that is just not so. Most people thought that these two men were crazy, and scoffed at their experiments. Their own father laughed at them. It was not until after their first success that any credibility was given to their work. One would think that their remarkable success would have allowed them to sit back and rest on their achievement. The Wrights were not willing to do this. Once they returned from North Carolina, they began working on the construction of a better model. At Huffman Field, in Dayton, they solved the problem of turning equilibrium. On May 22, 1905, the Wrights obtained a patent for their flying machine. Foreign governments began negotiations with the Wrights for these flying machines. It was not until 1907 that the U.S. Government contracted with the Wrights for the first time.

In addition to the mechanical aptitudes these two men possessed, both Orville and Wilbur owned and operated their own paper, entitled the West Side News. It was this paper that allowed their friend, Paul Laurence Dunbar, a young black poet and childhood friend of Orville Wright, to publish his poems and articles. At a time when black poets were not encouraged to write about subjects other than their blackness, Dunbar's poems were shocking to the literary community of the early 20th century. Dunbar's poems dealt with the uniqueness and extraordinary characteristics of the ordinary man. He found, in Dayton, that heroes as brave and strong as those in history books existed in his own town, and all over the world in other towns. It was this belief in man's superlative powers that characterized most of his writings. Later in his life, Dunbar expanded this focus to include the injustices that he still saw being heaped upon his race. In this way, Dunbar became a champion, and we wish to honor him today with this park.

This legislation designates five noncontiguous sites in the Dayton area as part of the Dayton Aviation Heritage National Historical Park. These sites are: A core parcel in Dayton consisting of the buildings along the two block stretch of West Third Street between Broadway and Shannon Streets, including the Wright Cycle Co. building, Hoover block, the Daniel Fitch house, the Ed Sines house, the Wright family house site, and Orville Wright's laboratory site. The park will consist of approximately 10 acres of land. In addition, the Huffman Prairie Flying Field and Wright Brothers Hill on Wright-Patterson Air Force Base will be included, as will the Wright 1905 Flyer at Carillon Park, Dayton, Hawthorn Hill, the Wright's home, and the Paul Laurence Dunbar house.

The perception of the world was forever broadened on that fateful day in 1903. Mr. President, as the 100th anniversary of that day approaches, I hope that we can associate the work and achievement of Wilbur and Orville Wright with the city of their birth, Dayton, OH. Mr. President, this park is scheduled for opening near the 100th anniversary of that first flight. I look forward to attending the ceremony commemorating that great event.

Mr. President, I ask unanimous consent that the summary of the bill and a copy of the legislation be included after my remarks in the RECORD as if read.

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

S. 1064

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 "Dayton Aviation Heritage National Historical Park and Wright-Dunbar National Historic Preservation District Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the invention of the airplane represents one of mankind's greatest technological achievements, and further aviation developments have dramatically changed the lives of people throughout the world;

(2) in Dayton, Ohio, and surrounding areas, Orville and Wilbur Wright developed the technology for controlled powered flight, constructed the world's first airplane capable of controlled manned flight, constructed and flew the world's first practical airplane, and established the world's first permanent flying school;

(3) following on the work of the Wright brothers, aviation pioneers around Dayton, Ohio, made many critical advances in the early development of aeronautics and promotion of flight, including—

(A) manufacture of the world's first mass-produced airplane;

(B) development of nighttime, high altitude, and blind flying;

(C) origination of the world's first commercial airplane flight; and

(D) invention of the modern freefall parachute, radio beacon navigation, guided missile, reversible pitch airplane propeller, crop-duster airplane, night aerial photography, and pressurized airplane cabin;

(4) Paul Laurence Dunbar, one of the greatest American poets, was the first black writer in the United States to derive an income primarily from his writings and one of the first to attain national and international prominence;

(5) the Wright brothers' printing shop printed Paul Laurence Dunbar's early writings; the Wrights provided Dunbar's newspaper, The Tattler; and Orville Wright and Dunbar were high school classmates and life-long friends;

(6) certain sites, structures, districts, and artifacts in and around Dayton, Ohio, are of national historical significance in the birth and development of controlled, powered flight and in the life of Paul Laurence Dunbar;

(7) the preservation and interpretation of those sites, structures, districts, and artifacts can make a significant contribution to the national heritage of the United States; and

(8) partnerships between Federal, State, and local governments and the private sector offer the most effective opportunities for the enhancement and management of the historical and cultural resources in the Miami Valley associated with the Wright brothers, aviation, and Paul Laurence Dunbar.

(b) PURPOSES.—The purpose of this Act is to create "partnerships" among Federal, State, and local governments and the private sector to preserve, enhance, and interpret the historical and cultural structures, districts, and artifacts in Dayton and the Miami Valley in the State of Ohio, that are associated with the Wright brothers and the invention and early development of aviation or the life and works of Paul Laurence Dunbar, which, as a unit, represent a nationally significant historical resource.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "park" means the Dayton Aviation Heritage National Historical Park established by section 101;

(2) the term "preservation district" means the Wright-Dunbar National Historic Preservation District established by section 102;

(3) the term "Commission" means the Dayton Historic Preservation Commission established by section 201; and

(4) the term "Secretary" means the Secretary of the Interior.

TITLE I—DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK AND WRIGHT-DUNBAR HISTORIC PRESERVATION DISTRICT

SEC. 101. ESTABLISHMENT OF DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—There is established, as a unit of the National Park System in the State of Ohio, the Dayton Aviation Heritage National Historical Park.

(b) AREA INCLUDED.—(1) The park shall consist of the following sites:

(A) A core parcel in Dayton, Ohio, containing the 2 blocks on West Third Street between and including Shannon Street and Broadway, the Wright Cycle Company, Hoover Block, Daniel Fitch house, Ed Sines house, Wright family house site, and Orville Wright's laboratory site, consisting of the lands within the boundaries generally depicted on the map entitled "Birthplace of Aviation National Historic Park" and dated.

(B) Huffman Prairie Flying Field and Wright Brothers Hill at Wright-Patterson Air Force Base, Ohio, the boundaries of which shall be agreed to between the Secretary of the Air Force and the Secretary of the Interior.

(C) The Wright 1905 Flyer exhibit and associated structures, Dayton, Ohio, the boundaries of which shall be agreed to between the Secretary and Educational and National Arts, Inc.

(D) Hawthorn Hill, Oakwood, Ohio.

(E) The Paul Laurence Dunbar home and associated structures, Dayton, Ohio, the boundaries of which shall be agreed to between the Secretary and the State of Ohio.

(2) The map described in paragraph (1)(A) shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ADDITIONS.—In consultation with the Commission, the Secretary may make additions to the park, including noncontiguous sites, to advance the purposes for which the park is established.

SEC. 102. WRIGHT-DUNBAR NATIONAL HISTORIC PRESERVATION DISTRICT.

(a) ESTABLISHMENT.—There is established in Dayton, Ohio, the Wright-Dunbar National Historic Preservation District.

(b) ADMINISTRATION.—The preservation district shall be administered by the Commission.

(c) AREA INCLUDED.—The preservation district shall consist of the lands bounded as follows: Edwin C. Moses Boulevard and Wright/Dunbar Gateway Park to the east; the first alley north of West Second Street west to the railroad tracks, thence along the railroad tracks to Paul Laurence Dunbar Street; thence along the east side of Paul Laurence Dunbar Street to Wolf Creek; thence west along Wolf Creek; thence south along a line consistent with the western edge of Grace A. Greene School to Edison Street; thence east along Edison Street to Euclid Avenue; thence south along Euclid Avenue to the first alley south of Third Street; thence east along the first alley south of Third Street to the railroad tracks; thence southeasterly along the railroad tracks to West Fifth Street; thence east along West Fifth Street to Shannon Street; thence following the boundary of the Inner West Five Points Urban Renewal Area boundary to Edwin C. Moses Boulevard.

(d) BOUNDARY ADJUSTMENTS.—In consultation with the Secretary, the Commission may make minor changes in the boundaries of the preservation district, which shall take effect upon publication in the Federal Register.

SEC. 103. PROTECTION OF HISTORIC PROPERTIES.

(a) ACQUISITION OF PROPERTIES WITHIN THE PARK.—(1) Within the boundaries of the park the Secretary—

(A) shall acquire the Wright Cycle Company and Hoover Block; and

(B) may acquire any other site, structure, property, or interest therein, as necessary or appropriate to carry out this Act.

(2) The Secretary may acquire property by donation, purchase with donated or appropriated funds, exchange, transfer, or an exercise of the right of first refusal established by subsection (b).

(3) Lands and interests in land may be acquired by purchase at a price based on the fair market value thereof as determined by independent appraisal, consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.)

(b) RIGHT OF FIRST REFUSAL.—(1) The Secretary may exercise a right of first refusal in the acquisition of the property described in section 101(b)(1)(D).

(2) If any owner of the property described in section 101(b)(1)(D) intends to transfer an interest in the property by direct and exclusive sale except by gift or donation, the owner shall notify the Secretary in writing of that intention.

(3) The Secretary shall have 120 days after notification in which to exercise a right of first refusal to match any bona fide offer to obtain that interest under the same terms and conditions as are contained in the offer.

(4) If the Secretary has not exercised the right of first refusal within 120 days, the owner may transfer the interest, and the new owner shall be subject to this section.

(c) PARTNERSHIPS AND COOPERATIVE AGREEMENTS.—The Secretary may create "partnerships" by entering into cooperative agreements with other Federal agencies, State, and local public bodies and private interests relating to planning, development, use, management, programming, and interpretation of properties in the park in order to contribute to the use and management of those properties in a manner that is compatible with the purpose of the park.

(d) RESTORATION OF PROPERTIES.—Notwithstanding any other law, the Secretary may restore and rehabilitate property in the park pursuant to "partnerships" and cooperative agreements without regard to whether title to the property is in the United States.

SEC. 104. PARK GENERAL MANAGEMENT PLAN.

(a) IN GENERAL.—(1) Not later than 3 years after the date of enactment of this Act, the Secretary, with the advice of the Commission, shall prepare and submit to Congress a general management plan for the park that—

(A) contains information described in section 12(b) Public Law 91-383 (16 U.S.C. 1a-7(b)); and

(B) takes into account the preservation and development plan developed under section 202.

(2) The general management plan and development concept plans shall be prepared with adequate public involvement and in consultation with Aviation Trail, Inc., Educational and Musical Arts, Inc., the Ohio Historical Society, and the Commander of Wright-Patterson Air Force Base concerning matters that may affect their properties.

(b) IDENTIFICATION OF ADDITIONAL SITES.—The general management plan shall identify additional sites for inclusion in the park, taking into consideration—

(1) the sites listed in Appendix A, entitled "Aviation-Related Sites in Dayton Evaluated by the National Park Service", of the document entitled "Study of Alternatives, Dayton's Aviation Heritage—Ohio", issued by the National Park Service, April 1991; and

(2) the property specified on the index prepared by the Commission under section 105(g).

(c) PARK PARTNERSHIPS.—The general management plan shall identify and describe potential "partnerships" between the Secretary and other Federal, State, and local governments and the private sector for the management of properties within the park.

(d) REVISIONS.—(1) After consulting with the Commission and the city manager of Dayton, Ohio, the Secretary may make revisions in the general management plan by publication of the revisions in the Federal Register.

(2) A revision made under paragraph (1) shall take effect after 90 days after the date on which written notice of the revision is submitted to Congress.

SEC. 105. HEADQUARTERS AND VISITORS' CENTER, INTERPRETIVE CENTER, AND MEMORIAL.

(a) IN GENERAL.—The headquarters of the park and a visitors' center shall be located in the core parcel described in section 101(b)(1)(A), and an interpretive center shall be constructed in the vicinity of Wright Brothers Hill or Huffman Prairie Flying Field.

(b) MEMORIAL.—The Secretary shall consider constructing a memorial at McCook Field in partnership with the city of Dayton, Ohio.

SEC. 106. GENERAL ADMINISTRATIVE FUNCTIONS.

(a) IN GENERAL.—The Secretary, in consultation with the Commission, shall administer the park in accordance with the law applicable to the National Park System.

(b) EMERGENCY ASSISTANCE.—The Secretary shall take any action that the Secretary deems to be necessary to provide owners of property of national historical or cultural significance in the park or preservation district, and owners of the Hoover Block, the Setzer building, and the Wright Cycle Company, with emergency assistance for the purpose of preserving and protecting their property in a manner that is consistent with the purpose of this Act.

(b) DONATIONS.—Notwithstanding any other law, the Secretary may accept donations of funds, property, or services from individuals, foundations, corporations, and other private entities and from public entities for the purpose of implementing the general management plan for the park.

(c) PROGRAMS.—The Secretary may sponsor or coordinate within the park and preservation district such educational or cultural programs as the Secretary considers to be appropriate to encourage the appreciation by the public of the resources of the park and preservation district.

(d) LEASES.—The Secretary may acquire such leases with respect to property in the park as may be necessary to carry out the purposes of this Act.

TITLE II—DAYTON HISTORIC PRESERVATION COMMISSION

SEC. 201. DAYTON HISTORIC PRESERVATION COMMISSION.

(a) ESTABLISHMENT.—(1) There is established the Dayton Historic Preservation Commission.

(b) ADMINISTRATION OF PROPERTIES.—The Commission shall, in addition to performing its other duties under this Act, administer (with the consent of their owners) properties, sites, and artifacts not owned by the United States or the State of Ohio that are inside or outside the park or preservation district and are associated with events or people involved with the Wright brothers, the history of aviation, or Paul Laurence Dunbar.

(b) PURPOSES.—The purposes of the Commission are—

(1) to administer the preservation district, to enhance and protect areas that have a direct effect on the operation of the park; and

(2) to assist in the protection, promotion, and management of historical resources in the Miami Valley associated with the Wright brothers, aviation, or Paul Laurence Dunbar.

(c) MEMBERSHIP.—The Commission shall consist of 17 members as follows:

(1) 3 members appointed by the Secretary, who shall have demonstrated expertise in aviation history, black history and literature, aviation technology, or historic preservation, at least 1 of whom shall represent the National Park Service.

(2) 3 members appointed by the Secretary from recommendations submitted by the Governor of the State of Ohio, who shall have demonstrated expertise in aviation history, black history and literature, aviation technology, or historic preservation, at least 1 of whom shall represent the Ohio Historical Society.

(3) 1 member appointed by the Secretary of Defense, who shall represent Wright-Patterson Air Force Base.

(4) 4 members appointed by the Secretary from recommendations submitted by the city commission of Dayton, Ohio, at least 1 of whom shall reside in or near the preservation district.

(5) 1 member appointed by the Secretary from recommendations submitted by the city council of Oakwood, Ohio.

(6) 1 member appointed by the Secretary from recommendations submitted by the board of commissioners of Montgomery County, Ohio.

(7) 1 member appointed by the Secretary from recommendations submitted by the board of commissioners of Greene County, Ohio.

(8) 1 member appointed by the Secretary from recommendations submitted by the board of commissioners of the city of Fairborn, Ohio.

(9) 1 member appointed by the Secretary of Housing and Urban Development.

(10) 1 member appointed by the Secretary of Transportation.

(d) TERMS.—(1)(A) Except as provided in paragraph (2), members of the Commission shall be appointed for terms of 2 years.

(B) A member may be reappointed only 3 times, unless the member was originally appointed to fill a vacancy pursuant to subsection (f)(1), in which case the member may be reappointed 4 times.

(2) Of the members first appointed to the Commission, the following shall be appointed for terms of 3 years:

(A) The members appointed pursuant to subsection (b) (1), (6), (9), and (10).

(B) 1 of the members appointed pursuant to subsection (b)(4), as designated at the time of appointment by the Secretary upon the recommendation of the board of commissioners of the city of Dayton, Ohio.

(C) 2 of the members appointed pursuant to subsection (b)(2), as designated at the time of appointment by the Secretary upon the recommendation of the Governor of the State of Ohio.

(3) The Secretary shall appoint the first members of the Commission within 30 days after the date on which the Secretary has received all of the recommendations for appointment pursuant to subsection (c) (1), (2), (4), (5), (6), (7), and (8).

(e) CHAIR AND VICE CHAIR.—(1) The chair and vice chair of the Commission shall be elected by the members of the Commission and shall serve a term of 2 years.

(2) The vice chair shall serve as chair in the absence of the chair.

(f) VACANCY.—(1) A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and in the case of a member appointed under subsection (c) (2), (4), (5), (6), (7), or (8), within 30 days after the Secretary receives a recommendation.

(2) A member of the Commission appointed to fill a vacancy shall serve for the remainder of the term for which the member's predecessor was appointed.

(3) A member of the Commission may serve after the expiration of the member's term until a successor has taken office.

(g) QUORUM.—A majority of the Commission serving at any time shall constitute a quorum, but a lesser number may hold hearings.

(h) MEETINGS.—The Commission shall meet not less than 4 times a year at the call of the chair or a majority of its members.

(i) PAY.—(1) Except as provided in paragraph (3), members of the Commission shall serve without pay.

(2) Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(j) TERMINATION.—The Commission shall cease to exist on January 1, 2004.

SEC. 202. DAYTON HISTORICAL RESOURCES PRESERVATION AND DEVELOPMENT PLAN.

(a) IN GENERAL.—(1) Not later than 18 months after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a preservation and development plan.

(2)(A) Not later than 90 days after the receipt of the preservation and development plan, the Secretary shall approve the plan or return it with comments to the Commission.

(B) If the Secretary does not return the preservation and development plan by the 90th day after receipt, the Secretary shall be deemed to have approved the plan.

(3) Review of the preservation and development plan by the Secretary shall be based on compliance with this Act and the law generally applicable to the preservation district.

(4) The preservation and development plan shall include specific preservation and interpretation goals and a priority timetable for their achievement.

(5) After a preservation and development plan is approved, the Secretary shall submit the plan to Congress.

(b) CONTENTS OF PLAN.—The preservation and development plan shall—

(1) set detailed goals for the preservation, protection, enhancement, and utilization of the historical resources in the Miami Valley related to the Wright brothers, the history of aviation, and Paul Laurence Dunbar;

(2) identify properties that should be preserved, restored, managed, developed, maintained, or acquired within the park, preservation district, and Miami Valley;

(3) describe the manner in which the Commission intends to implement the grant and loan programs under section 204;

(4) include a tentative 5-year budget;

(5) propose a management strategy for a permanent organizational structure to enhance and coordinate aviation-related historical resources, properties, and institutions in the Miami Valley;

(6) recommend methods for establishing "partnerships" with State and local governments and the private sector to foster development and to preserve and enhance the historical and cultural resources in the park and preservation district;

(7) provide for transportation links, including pedestrian facilities and bicycle trails among historic aviation sites in the park, preservation district, and the Miami Valley, including an interurban between the preservation district and the historical resources at Wright-Patterson Air Force Base;

(8) address the use of private vehicles, traffic patterns, parking, and public transportation; and

(9) provide for educational and cultural programs to encourage appreciation of the resources of the park and preservation district.

(c) CONSULTATION.—In developing the preservation in development plan, the Commission shall consult with—

(1) appropriate officials of any local government or Federal or State agency that has jurisdiction over historic aviation resources in the Miami Valley; and

(2) business, historical, professional, neighborhood, and citizen organizations.

(d) STANDARDS AND CRITERIA.—The Commission shall, with the advice of the Secretary and appropriate local governments, establish standards and criteria applicable to the construction, preservation, restoration, alteration, and use of historic properties in the park, preservation district, and Miami Valley.

(e) EXCHANGE OF INFORMATION.—The Commission shall exchange information with Federal agencies, the State of Ohio and political subdivisions thereof, educational institutions, volunteer associations, and private businesses to assist those entities in undertaking activities to preserve, protect, enhance, and utilize the historic, recreational, and cultural aviation resources of the Dayton area.

(f) INDEX OF PROPERTY.—Not later than 18 months after the date on which the Commission conducts its first meeting, the Commission shall establish an index that—

(1)(A) lists properties in the park and preservation district of national historical or cultural significance; and

(B) lists properties in the Miami Valley of national historical or cultural significance that are related to the Wright brothers, the history of aviation, or Paul Laurence Dunbar; and

(2) contains documentary evidence of the historical or cultural significance of the properties that are listed.

(g) FUNDS FOR COMMISSION BEFORE APPROVAL OF PLAN.—Before a preservation and development plan is approved, the Secretary may make available to the Commission such funds as the Commission may request to carry out any activity authorized by this section.

SEC. 203. FUNDS.

(a) AVAILABILITY OF FUNDS FOR COMMISSION.—The Secretary shall make available to the Commission any funds appropriated under section 305 for the purpose of carrying out its responsibilities.

(b) WITHHOLDING OF FUNDS.—(1) The Commission may refuse to obligate or expend any money within any political subdivision appropriated for the purposes described in section 203 if the Commission determines that the government of that subdivision has failed to adopt, by statute or regulation, standards and criteria that are consistent with those established pursuant to section 202(f) within 1 year after the date those standards and criteria have been established.

(2) The Commission may extend the 1-year period described in paragraph (1) for not more than 6 months if the Commission determines that the subdivision has made a good faith effort to adopt the required standards and criteria.

SEC. 204. LOANS, GRANTS, AND TECHNICAL ASSISTANCE.

(a) LOANS.—Out of amounts appropriated, donated, or otherwise made available to the Commission, the Commission may make a loan to any corporation chartered under the laws of the State of Ohio to enable the corporation to provide low interest loans for the preservation, restoration, or development of any property located in the park or preservation district or listed on the index prepared pursuant to section 202(f).

(b) PARTNERSHIP GRANTS.—(1) Out of amounts appropriated, donated, or otherwise made available to the Commission, the Commission may make a grant to an owner of property located in the park or the preserva-

tion district or listed on the index prepared pursuant to section 202(f) for the preservation, restoration, management, development, or maintenance of the property in a manner that is consistent with standards and criteria established pursuant to section 202(d).

(2) To the fullest extent possible, a grant under paragraph (1) shall be leveraged with additional funds from State and local governments and the private sector.

(c) HISTORICAL AND CULTURAL PROGRAMS.—(1) The Commission may carry out, through its staff or by grants to any person or public or private entity, historical, educational, and cultural programs that encourage or enhance appreciation of the historical resources in the Miami Valley related to the Wright brothers, aviation, and the life and works of Paul Laurence Dunbar.

(2) Programs carried out under paragraph (1) may include programs for—

(A) recording, collecting, and presenting to the public, through exhibits and educational programs, oral histories of people associated with historic structures in the Miami Valley, including McCook Field and Wright Field;

(B) educating school children and the general public in the Miami Valley and in the Nation at large; and

(C) conducting archaeological digs at historic sites, including the Wright family house and McCook Field, to contribute to exhibits and programs for the public.

(d) TECHNICAL ASSISTANCE.—The Commission may provide technical assistance to an owner of property located within the park or preservation district or listed on the index prepared pursuant to section 202(f) or any other person or public or private entity taking action that is consistent with the purposes of this Act.

SEC. 205. ACQUISITION AND DISPOSITION OF PROPERTY.

(a) ACQUISITION OF HISTORICAL PROPERTY.—The Commission may acquire any property pursuant to section 105 that is deemed worthy of acquisition by donation or by purchase with donated or appropriated funds.

(b) DISPOSITION OF ACQUIRED PROPERTY.—The Commission may sell or lease any property that it acquires subject to such deed restrictions and other conditions as the Commission deems to be appropriate to carry out this Act.

(c) ACQUISITION IN GENERAL.—(1) The Commission may obtain by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties.

(2) Lands and interests in land may be acquired by purchase at a price based on the fair market value thereof as determined by independent appraisal, consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(d) TRANSFER UPON TERMINATION OF COMMISSION.—Upon the termination of the Commission, all assets, liabilities, duties, personal and real property, and unexpended funds shall be transferred to the Secretary.

SEC. 206. GENERAL POWERS OF THE COMMISSION.

(a) HEARING.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem to be advisable.

(b) DONATIONS.—Notwithstanding any other law, the Commission may seek and accept donations of funds, property, or service from individuals, foundations, corporations, and other private entities and public entities for the purpose of carrying out its duties.

(c) USE OF FUNDS TO OBTAIN MONEY.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(d) MAIL.—The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(e) USES OF ACQUIRED ASSETS.—Any revenues or other assets acquired by the Commission by donations, the lease or sale of property, or fees for services shall be available to the Commission, without fiscal year limitations, to be used for any function of the Commission.

SEC. 207. STAFF OF COMMISSION.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission.

(b) ADDITIONAL PERSONNEL.—(1) The Commission may appoint and fix the pay of such personnel in addition to the Director as the Commission deems to be necessary.

(2) Commission staff may include specialists in areas such as interpretation, historic preservation, black history and literature, aviation history and technology, and urban revitalization.

(c) TEMPORARY SERVICES.—Subject to such rules as the Commission may adopt, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(d) DETAIL.—Upon request of the Commission, the head of any Federal agency represented by a member on the Commission may detail, on a reimbursable basis, any of the personnel of the agency to the Commission to assist it in carrying out its duties under this Act.

(e) ADMINISTRATIVE SUPPORT.—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(f) STATE SERVICES.—The Commission may accept the services of personnel detailed from the State of Ohio or any political subdivision of the State and may reimburse the State or such political subdivision for such services.

(g) INAPPLICABILITY OF CERTAIN PROVISIONS OF TITLE 5, UNITED STATES CODE.—The director and staff of the Commission may be appointed without regard to the provisions of title 5 governing appointments in the competitive service, and 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, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for grade GS-15 of the General Schedule.

TITLE III—GENERAL PROVISIONS

SEC. 301. EASEMENTS.

The Secretary may acquire—

(1) easements within the park and preservation district for the purpose of carrying out this Act; and

(2) easements for an interurban or bicycle and pedestrian transportation links between sites within the park and preservation district.

SEC. 302. COOPERATION OF FEDERAL AGENCIES.

(a) IN GENERAL.—A Federal agency that conducts or supports an activity that may directly affect the park or preservation district shall—

(1) consult with, cooperate with, and, to the maximum extent practicable, coordinate the activity with the Secretary and the Commission; and

(2) conduct or support the activity in a manner that—

(A) to the maximum extent practicable, is consistent with the standards and criteria established pursuant to section 105(e); and

(B) will not have an adverse effect on the resources of the park or preservation district.

(b) LIMITATION.—A Federal agency shall not issue a license or permit to any person to conduct an activity within the park or preservation district unless the agency first determines that the proposed activity will be conducted in a manner that is consistent with the standards and criteria established pursuant to section 202(d) and will not have an adverse effect on the resources of the park or preservation district.

SEC. 303. COORDINATION BETWEEN THE SECRETARY AND THE SECRETARY OF DEFENSE.

(a) IN GENERAL.—(1) In case of a disagreement between the Secretary of the Interior and the Secretary of Defense concerning implementation of this Act as it applies to properties under the control of the Secretary of Defense, the Secretary of Defense shall prevail.

(2) In any case in which the Secretary of Defense objects to an action of the Secretary of the Interior implementing this Act, the Secretary of Defense shall detail in writing the reasons for the objection.

(b) WAIVER.—In time of war, the Secretary of Defense may waive for the duration of the war any provision of this Act as it applies to properties under the jurisdiction of the Secretary of Defense.

SEC. 304. ASSISTANCE.

(a) IN GENERAL.—(1) The Secretary may enter into a "partnership" or agreement with an owner of property of national historical or cultural significance within the park or preservation district to provide for exhibits or programs.

(2) An agreement under paragraph (1) shall provide, when it is appropriate, that—

(A) the public may have access to the property at specified reasonable times for purposes of viewing the property or the exhibits or attending the programs established by the Secretary under this subsection; and

(B) the Secretary may make such improvements to the property as the Secretary deems to be necessary after consultation with the Commission to enhance the public use and enjoyment of the property, exhibits, and programs.

(b) TECHNICAL ASSISTANCE.—The Secretary may provide to an owner of property within the park or preservation district, and to the organizations listed in subsection (d), such technical assistance as the Secretary considers to be appropriate to carry out this Act.

(c) TRANSPORTATION.—(1) The Secretary may enter into an agreement to provide for appropriate transportation facilities, including an interurban between the preservation district and the historical resources at Wright-Patterson Air Force Base, pedestrian facilities, and bicycle paths, to link sites within the park and preservation district.

(2) The Secretary may provide interpretive services in connection with transportation facilities described in paragraph (1).

(d) ORGANIZATIONS.—(1) The Secretary may establish a "partnership" or enter into an agreement with an organization that con-

ducts activities consistent with the purposes of this Act.

(2) In a partnership established or agreement entered into pursuant to paragraph (1), the Secretary may permit the organization to assist in the interpretation, protection, and management of the park or otherwise assist in carrying out the purposes of this Act.

(3) The Secretary may offer appropriate encouragement to an organization with which the Secretary has established a partnership or entered into an agreement to locate its offices and conduct activities within the park.

(4) Among the organizations with which the Secretary may enter in an agreement with under paragraph (1) are—

(A) Air Force Museum Foundation, Dayton, Ohio;

(B) Aviation Hall of Fame, Dayton, Ohio;

(C) Aviation Trail, Inc., Dayton, Ohio;

(D) Carillon Historical Park, Dayton, Ohio;

(E) Paul Laurence Dunbar Association, Dayton, Ohio;

(F) Paul Laurence Dunbar Home State Memorial, Dayton, Ohio, a unit of the Ohio Historical Society;

(G) Dave Gold Parachute Museum, Dayton, Ohio;

(H) Greene County Historical Society, Xenia, Ohio;

(I) Huffman Prairie League, Inc., Fairborn, Ohio;

(J) Innerwest Priority Board, Dayton, Ohio;

(K) Innotech, Dayton, Ohio;

(L) International Women's Air and Space Museum, Inc., Centerville, Ohio;

(M) Kettering-Moraine Museum and Historical Society, Kettering, Ohio;

(N) Miami Conservancy District, Dayton, Ohio;

(O) Montgomery County Historical Society, Dayton, Ohio;

(P) National Afro-American Museum and Cultural Center, Wilberforce, Ohio, a unit of the Ohio Historical Society;

(Q) Ohio Historical Society, Columbus, Ohio, with respect to the Paul Laurence Dunbar home;

(R) Mack Ross Chapter, Tuskegee Airmen Association, Dayton, Ohio;

(S) 2003 Fund Committee; Dayton, Ohio;

(T) United States Air and Trade Show, Dayton, Ohio;

(U) United States Air Force Museum, Wright-Patterson Air Force Base, Ohio;

(V) Wright "B" Flyer, Dayton, Ohio; and

(W) Wright State University, Fairborn, Ohio.

(e) INTERPRETIVE MATERIALS.—The Secretary may publish interpretative materials for historical aviation resources in the Miami Valley.

(f) RECOGNITION.—The Secretary shall recognize Aviation Trail, Inc., for its leadership role in the preservation of the historical aviation resources in Dayton, Ohio.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

DAYTON AVIATION HERITAGE NATIONAL HISTORIC PRESERVATION ACT OF 1991—SUMMARY OF MAJOR PROVISIONS

Establishes the Dayton Aviation Heritage National Historical Park, a unit of the National Park Service, to preserve and interpret properties in Dayton and the Miami Valley which are associated with the inventioin and early development of aviation, or with the life and works of Paul Laurence Dunbar.

Designates five noncontiguous sites in the Dayton area as part of the Dayton Aviation Heritage National Historical Park. The National Park Service would not be required to own or operate most of the properties within the designated sites. The bill authorizes and encourages the Park Service to form partnerships with the current owners which can continue to operate and maintain the sites. Partnerships will be determined in later agreements between the park and the property owners. The five sites are:

1. A core parcel in Dayton consisting of the buildings along the two block stretch of West Third Street between Broadway Street and Shannon Street, and including the Wright Cycle Company building, Hoover Block, Daniel Fitch house, Ed Sines house, Wright family house site, and Orville Wright's laboratory site. The exact boundaries would be determined by a map drawn by the National Park Service and agreed to by Congress. (estimated acreage: 10)

2. Huffman Prairie and Wright Brothers Hill on Wright-Patterson Air Force Base. The exact boundaries would be agreed to by the Secretary of the Air Force and the Secretary of the Interior. (estimated acreage: 102)

3. The Wright 1905 Flyer at Carillon Park, Dayton. The exact boundaries would be agreed to by the Secretary of the Interior and Education and Arts, Inc. (estimated acreage: 1)

4. Hawthorn Hill, 901 Harman Avenue, Oakwood. (estimated acreage: 4)

5. The Paul Laurence Dunbar house, 219 North Paul Laurence Dunbar Street. The exact boundaries would be agreed to by the Secretary of the Interior and the Ohio Historical Society. (estimated acreage: 1)

Establishes the Wright-Dunbar Historic Preservation District in Dayton's West Side. The boundaries are identical to the Wright-Dunbar Village identified by the City of Dayton.

Requires the National Park Service to buy, restore, and maintain the building which housed the Wright Brothers Cycle Company at 22 South Williams Street and the Hoover Block, a building at 1060 West Third Street which housed the Wright brothers' printing shop. The National Park Service is authorized to buy other properties within the park boundaries.

Allows the National Park Service 120 days to exercise the right of first refusal if Hawthorn Hill is sold.

Authorizes the National Park Service to enter into agreements with federal, state or local governments or private organizations to carry out any function permitted under the Act.

Authorizes the National Park Service to restore properties that it does not own.

Calls for a General Management Plan, a 3-year study to determine the direction and needs of the park. Public participation is required in the preparation of the study, and the National Park Service must consult with the owners of the National Historic Landmarks which are incorporated in the park.

Requires the headquarters and visitors center of the park be located in the core West Dayton parcel. Also requires the construction of an interpretive center at Wright-Patterson Air Force Base.

Establishes the Dayton Historic Preservation Commission. The purposes of the Commission are 1) to administer the preservation district in support of the park and 2) to enhance and preserve historic resources in the Dayton area associated with the Wright brothers, the history of aviation, and Paul Laurence Dunbar. Terms are two years, but some initial terms are three years to create staggered terms. Members serve without pay. The Commission may hire staff and function with the powers of a federal agency. The Commission ends after the year 2003. The Commission has the authority to:

1. Operate loan and grants programs for revitalization of the preservation district. Grants are to be matching with state or local government or private funds.

2. Offer technical assistance to owners of historic properties in the Dayton area.

3. Offer grants or conduct historical and cultural programs that benefit the park.

4. Own or maintain property within the preservation district, or historic property outside the preservation district.

The Commission is composed of 17 representatives including:

1 appointed by the Secretary of Defense.

1 appointed by the Secretary of Housing and Urban Development.

1 appointed by the Secretary of Transportation.

14 appointed by the Secretary of the Interior as follows:

3 from recommendations made by the governor of the State of Ohio.

4 from recommendations made by the Dayton City Commission.

1 from recommendations made by the Oakwood City Commission.

1 from recommendations made by the Fairborn City Commission.

1 from recommendations made by the Board of Commissioners of Montgomery County.

1 from recommendations made by the Board of Commissioners of Greene County.

3 national experts not based on local recommendations.

Requires the Commission to conduct an 18-month plan that sets priorities, goals, and timetables for the Commission's operations, including planning for an interurban, bicycle paths, and other transportation links between the park units. The plan also sets standards for development within the preservation district and some properties outside. The plan also calls for an index of historic sites in the Dayton area.

Gives the Secretary of Defense the authority in the case of disputes between Wright-Patterson Air Force Base and the park.

Authorizes the Park Service to make emergency repairs to property.

Authorizes the Park Service to contract for transportation services between the park units and to provide interpretive services in connection with transportation services.

Authorizes the Park Service to work with local organizations centered around aviation or Paul Laurence Dunbar. Those organizations are encouraged to establish offices and carry out activities within the park.

Authorizes the Park Service to publish interpretive materials.

Estimated Costs Associated With National Park Bill

Capital Costs[1]	
Purchase by the National Park Service of Wright Brothers Cycle Shop, 22 South Williams Street	$125,000
Source: Aviation Trail, Inc.	
This covers reimbursement to Aviation trail for its costs toward the building's purchase and rehabilitation.	
Rehabilitation of Wright Brothers Cycle Shop	115,000

Source: National Park Service Management Alternative Study and Aviation Trail, Inc.
This includes finishing the upstairs and outside of the building and landscaping.

Purchase by the National Park Service of Hoover Block 50,000
Source: Aviation Trail, Inc.
This is Aviation Trail's purchase price.

Rehabilitation of Hoover Block, 1060 West Third Street 2,250,000
Source: National Park Service Management Alternative Study, April 1991
This is based on a plan by Gaede, Serne, Zofcin and Associates of Cleveland. The plan calls for an interpretive center, a recreation of the Wright brothers print shop that existed in the building, offices, a display area, and an elevator.

Plaza development between the two buildings 720,000
Source: National Park Service Management Alternative Study, April 1991

Enhancement of Huffman Prairie Flying Field/Wright Memorial 1,235,000
Source: National Park Service Management Alternative Study, April 1991
This is based on a plan developed by Wright-Patterson Air Force Base which calls for an interpretive center, displays, restrooms, landscaping, and the relocation of the Base's firing range.

Rehabilitation and development of Dunbar House, 219 North Paul Laurence Dunbar Street 750,000
Source: Ohio Historical Society
This is based on a plan developed by the Ohio Historical Society, which calls for the development of an interpretive center, library, and educational center within buildings adjacent to the Dunbar House and owned by the State of Ohio.

Improvements to Wright Hall at Carillon Historical Park housing 1905 Wright Flyer 250,000
Source: National Park Service Management Alternative Study, April 1991
This is for the expansion of the building's exhibit area, the improvement of the climatizing system, and the addition of a restroom to make the building accessible during the whole year.

Total Capital Costs[2] 5,495,000

Annual Operations and Maintenance:[3]

Operation and maintenance of the Wright Cycle Shop and the Hoover Block $370,770
Source: National Park Service Management Alternative Study, April 1991

Administrative costs associated with operating the Commission 600,000
Source: Informal estimate based on the annual operating budget of the Lowell Historic Preservation Commission

Total Annual Operating and Maintenance $970,770

Studies:

General Management Plan for the park 250,000
Source: Informal estimate based on general costs to the Park Service for General Management Plans

Preservation Study by the Commission 150,000
Source: Informal estimate based on costs of other similar studies

Total Studies $400,000

[1] Subject to modification by the park's General Management

[2] Funds for the rehabilitation of the Dunbar house and improvements to Wright Hall are not required under the legislation, but will be requested. The required capital funding is $4,495,000.

[3] It is possible, but unlikely, that the General Management Plan would identify additional operations and maintenance costs beyond those associated with these two buildings. It is expected that the operations and maintenance costs of the other structures in the park would remain the responsibilities of the current owners.

ESTIMATED ACREAGE INCLUDED IN PARK

Core parcel, 10 acres.
Huffman Prairie Flying Field, 85 acres.
Wright Brothers Memorial, 27 acres.
Dunbar House, 1 acre.
Hawthorn Hill, 4 acres.
Wright Flyer III, 1 acre.
Total estimated acres, 128 acres.

By Mr. SIMON:

S. 1065. A bill to authorize the Secretary of Transportation to carry out a rail-highway crossing program to improve highway and rail traffic safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

HIGH-SPEED RAIL AND HIGHWAY TRAFFIC SAFETY PROGRAM OF 1991

• Mr. SIMON. Mr. President, I rise today to introduce legislation which I feel will go a long way toward promoting a national high speed rail system while actually reversing the recent increase in fatal and disabling traffic accidents at rail-highway crossings. The High-Speed Rail and Highway Traffic Safety Program of 1991 will give States and communities a green light so that they can seriously consider intercity and commuter high-speed rail opportunities as part of their surface transportation options. I know that the number of plans for high-speed rail service now on the drawing board is growing, and this bill should go a long way toward bringing many of these plans to reality.

My proposal would not be possible without the splendid work of the Senate Environment and Public Works Committee under the visionary leadership of Senators MOYNIHAN and BURDICK. For the first time, the members of that committee have introduced a surface transportation bill that will be not only reshape the Interstate Highway Program, but will bring transit and rail squarely back to their rightful place in the definition of surface transportation and infrastructure. Under the committee's Surface Transportation Efficiency Act, transportation becomes part of the solution to national problems in energy dependence, air pollution, personal mobility, and city and community conservation, not part of the problem. My bill is intended to further these key objectives.

I also owe a special thanks to Senator GRAHAM whose guidance and interest in this legislation and in high-speed rail has provided and added dimension to a long awaited process for bringing high-speed rail to the Nation, and I intend to continue to work with him and other members of the Senate Environment and Public Works Committee in shaping a final bill.

Groups promoting higher speed rail service agree that grade separations are essential for trains traveling over 100 miles per hour, and should be part of the Surface Transportation Efficiency Act of 1991. Before upgrading Amtrak service to 125 miles per hour on the publicly owned North East Corridor, all level crossings except 7 were eliminated. But outside the Northeast Corridor many other high-speed trains are also planned for existing rail rights-of-way. Now, thanks to broader choices in high-speed rail technologies such as the American Meglev, the French TGV, the tilt trains, and the dual-mode turbine locomotive, there are many options for trains that will perform well over much of 130,000 miles of railroads across the Nation.

We have a grade crossing safety program now, section 130 of title 23, funded out of the highway trust fund. This program has already been successful in improving the safety of approximately 30,000 level crossings with either improved signal systems or grade separations. The 1988 Annual Report on Highway Safety credited this program with preventing an estimated 5,000 fatalities and 20,000 injuries since 1974. This represented 50 percent fewer accidents and 40 to 45 percent fewer deaths and injuries.

Unfortuntely, that safety record is now turning around for a number of reasons. Since 1980, after railroad deregulation, railroads have trimmed many of their branchlines and concentrated traffic on those long lines that remain. At the same time track and rail bed improvements on the mainlines mean that speeds are increasing.

In 1989, the Federal Highway Administration and the Federal Railroad Administration found that out of the

14,000 grade crossings on routes used by Amtrak, 6,000 have automatic gates, and another 2,000 are equipped with flashing light signals. But over 50 percent of the level crossing accidents occur while these are activated and 10 percent when motorists drive around a lowered gate, particularly when the gate is down longer than is normal. Last year, four young men were killed in Lockport, IL, by an Amtrak train traveling less than 80 mph. This is the same route the State of Illinois and the Midwest High-Speed Rail Compact have identified as having the best potential for high-speed rail service in Illinois and near the top in potential in the Midwest—Chicago-St. Louis. Such incidents will continue to be repeated throughout the Nation where roads run at the same grade as active railroads unless we act now.

My bill is not intended to replace the current rail safety legislation which I strongly support. The existing Federal Highway-Rail Crossing Program works well and should be continued as a specific funded category. Substantial additional effort and investment are required to maintain and to continue improving grade crossing safety in urban and rural areas throughout the country.

My bill is a separate demonstration program which is specifically designed to open the way to meet the growing demand for better passenger train service throughout the Nation. Rail travel can then become a prominent part of our surface transportation and infrastructure choices more in line with the Japanese and European models.

Like section 130, the High Speed Rail and Highway Traffic Safety Program would be financed out of the highway trust fund. Included in the program is $5 million for fiscal year 1992 for State planning in consultation with local communities and private railroads with a matching ratio of 100 percent and $300 million a year for fiscal years 1993, 1994, 1995, and 1996 at a 90 percent match. This should provide enough funds for grade separations and other safety improvements in 8 to 10 rail corridors selected by the Secretary of Transportation.

This program is intended to promote a number of public purposes: First, to ensure the safety of traffic crossing future high-speed rail lines; second, encourage development of a safer, less polluting, energy efficient transportation system; third, provide a convenient form of travel for all citizens including seniors, persons with disabilities, and those who do not own or drive an automobile; fourth, provide transportation services to places where people live now; fifth, reduce airport and highway congestion; and sixth, augment, not replace other safety and rail development programs.

I am urging my colleagues to join me in cosponsoring this bill. This program will not only place future high-speed rail systems within the reach of Americans throughout the Nation, but it will protect that most precious commodity: The lives of our citizens as well.●

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 1066. A bill to authorize appropriations for fiscal years 1992 and 1993 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1992 and 1993, and for other purposes; to the Committee on Armed Services.

MILITARY APPROPRIATIONS FOR FISCAL YEARS 1992 AND 1993

● Mr. NUNN. Mr. President. By request, for myself and the senior Senator from Virginia [Mr. WARNER], I introduce, for appropriate reference a bill to authorize appropriations for fiscal years 1992 and 1993 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1992 and 1993, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

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

S. 1066

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That this Act may be cited as the "Department of Defense Authorization Act, 1992/1993".

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TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ARMY.

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Army as follows:

(1) $1,667,700,000 for fiscal year 1992.

(2) $1,247,400,000 for fiscal year 1993.

(b) MISSILES.—Funds are hereby authorized to be appropriated for procurement of missiles for the Army as follows:

(1) $1,106,700,000 for fiscal year 1992.

(2) $1,341,900,000 for fiscal year 1993.

(c) WEAPONS AND TRACKED COMBAT VEHICLES.—Funds are hereby authorized to be appropriated for procurement of weapons and tracked combat vehicles for the Army as follows:

(1) $839,100,000 for fiscal year 1992.
(2) $574,300,000 for fiscal year 1993.
(d) AMMUNITION.—Funds are hereby authorized to be appropriated for procurement for ammunition for the Army as follows:
(1) $1,249,800,000 for fiscal year 1992.
(2) $1,195,400,000 for fiscal year 1993.
(e) OTHER PROCUREMENT.—Funds are hereby authorized to be appropriated for other procurement for the Army as follows:
(1) $3,163,800,000 for fiscal year 1992.
(2) $3,254,400,000 for fiscal year 1993.

SEC. 102. NAVY AND MARINE CORPS.

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Navy as follows:
(1) $7,231,800,000 for fiscal year 1992.
(2) $6,953,200,000 for fiscal year 1993.
(b) WEAPONS.—Funds are hereby authorized to be appropriated for procurement of weapons (including missiles and torpedoes) for the Navy as follows:
(1) $4,581,300,000 for fiscal year 1992.
(2) $4,754,600,000 for fiscal year 1993.
(c) SHIPBUILDING AND CONVERSION.—Funds are hereby authorized to be appropriated for shipbuilding and conversion for the Navy as follows:
(1) $8,647,200,000 for fiscal year 1992.
(2) $8,297,900,000 for fiscal year 1993.
(d) OTHER PROCUREMENT, NAVY.—Funds are hereby authorized to be appropriated for other procurement for the Navy as follows:
(1) $6,471,200,000 for fiscal year 1992.
(2) $6,520,900,000 for fiscal year 1993.
(e) MARINE CORPS.—Funds are hereby authorized to be appropriated for procurement for the Marine Corps as follows:
(1) $1,039,400,000 for fiscal year 1992.
(2) $650,900,000 for fiscal year 1993.

SEC. 103. AIR FORCE.

(e) AIRCRAFT.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Air Force as follows:
(1) $10,915,500,000 for fiscal year 1992.
(2) $13,456,800,000 for fiscal year 1993.
(b) MISSILES.—Funds are hereby authorized to be appropriated for procurement of missiles for the Air Force as follows:
(1) $5,841,800,000 for fiscal year 1992.
(2) $6,776,800,000 for fiscal year 1993.
(c) OTHER PROCUREMENT.—Funds are hereby authorized to be appropriated for other procurement for the Air Force as follows:
(1) $8,058,100,000 for fiscal year 1992.
(2) $8,868,700,000 for fiscal year 1993.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for procurement for the Defense Agencies as follows:
(1) $2,111,600,000 for fiscal year 1992.
(2) $2,201,000,000 for fiscal year 1993.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1992 procurement for the Inspector General of the Department of Defense in the amount of $300,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747) as follows:
(1) $474,800,000 for fiscal year 1992.
(2) $626,600,000 for fiscal year 1993.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 1992.—Funds are hereby authorized to be appropriated for fiscal year 1992 for the use of the Armed Forces for research, development, test, and evaluation, as follows:
(1) For the Army, $6,236,400,000.
(2) For the Navy, $8,198,600,000.
(3) For the Air Force, $15,154,600,000.
(4) For the Defense Agencies, $10,333,000,000, of which—
(i) $286,300,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and
(ii) $14,200,000 is authorized for the Director of Operational Test and Evaluation.
(b) FISCAL YEAR 1993.—Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces for research, development, test, and evaluation, as follows:
(1) For the Army, $5,867,300,000.
(2) For the Navy, $9,488,000,000.
(3) For the Air Force, $15,184,600,000.
(4) For the Defense Agencies, $10,494,100,000, of which—
(i) $298,000,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and
(ii) $14,700,000 is authorized for the Director of Operational Test and Evaluation.

TITLE III—OPERATION AND MAINTENANCE AUTHORIZATION OF APPROPRIATIONS

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) FISCAL YEAR 1992.—Funds are hereby authorized to be appropriated for fiscal year 1992 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:
(1) For the Army, $21,886,800,000.
(2) For the Navy, $23,679,200,000.
(3) For the Marine Corps, $1,894,600,000.
(4) For the Air Force, $20,351,900,000.
(5) For the Defense Agencies, $8,794,800,000.
(6) For the Army Reserve, $937,200,000.
(7) For the Naval Reserve, $816,100,000.
(8) For the Marine Corps Reserve, $75,900,000.
(9) For the Air Force Reserve, $1,075,400,000.
(10) For the Army National Guard, $2,080,700,000.
(11) For the Air National Guard, $2,287,800,000.
(12) For the National Board for the Promotion of Rifle Practice, $5,000,000.
(13) For the Defense Inspector General, $115,900,000.
(14) For Drug Interdiction and Counterdrug Activities, Defense, $1,158,600,000.
(15) For the Court of Military Appeals, $5,500,000.
(16) For Environmental Restoration Defense, $1,252,900,000.
(17) For Humanitarian Assistance, $13,000,000.
(b) FISCAL YEAR 1993.—Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:
(1) For the Army, $19,936,500,000.
(2) For the Navy, $23,922,800,000.
(3) For the Marine Corps, $1,739,800,000.
(4) For the Air Force, $20,760,400,000.
(5) For the Defense Agencies, $7,583,200,000.
(6) For the Army Reserve, $973,100,000.
(7) For the Naval Reserve, $797,000,000.
(8) For the Marine Corps Reserve, $75,400,000.
(9) For the Air Force Reserve, $1,232,500,000.
(10) For the Army National Guard, $2,083,700,000.
(11) For the Air National Guard, $2,700,900,000.
(12) For the National Board for the Promotion of Rifle Practice, $5,000,000, to be utilized as prescribed by the provisions of section 4313 of title 10, United States Code becoming effective on October 1, 1992.
(13) For the Defense Inspector General, $116,700,000.
(14) For Drug Interdiction and Counterdrug Activities Defense, $1,249,400,000.
(15) For the Court of Military Appeals, $5,900,000.
(16) For Environmental Restoration Defense, $1,450,200,000.
(17) For Humanitarian Assistance, $13,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

(a) FISCAL YEAR 1992.—Funds are hereby authorized to be appropriated for fiscal year 1992 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, in amounts as follows:
(1) For the Defense Business Operations Fund, $3,400,200,000.
(b) FISCAL YEAR 1993.—Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, in amounts as follows:
(1) For the Defense Business Operations Fund, $2,273,200,000.
(2) For the Pentagon Reservation Maintenance Revolving Fund, $63,300,000.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS FOR FISCAL YEARS 1992 AND 1993

PART A—ACTIVE FORCES

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) FISCAL YEAR 1992.—The armed forces are authorized strengths for active duty personnel as of September 30, 1992, as follows:
(1) The Army, 660,200.
(2) The Navy, 551,400.
(3) The Marine Corps, 188,000.
(4) The Air Force, 486,800.
(b) FISCAL YEAR 1993.—The armed forces are authorized strengths for active duty personnel as of September 30, 1993, as follows:
(1) The Army, 618,200.
(2) The Navy, 536,000.
(3) The Marine Corps, 182,200.
(4) The Air Force, 458,100.

PART B—RESERVE FORCES

SEC. 402. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR 1992.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1992, as follows:
(1) The Army National Guard of the United States, 410,900.
(2) The Army Reserve, 282,700.
(3) The Naval Reserve, 134,600.
(4) The Marine Corps Reserve, 40,900.
(5) The Air National Guard of the United States, 118,100.
(6) The Air Force Reserve, 81,200.
(7) The Coast Guard Reserve, 15,150.
(b) FISCAL YEAR 1993.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1993, as follows:

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(1) The Army National Guard of the United States, 366,300.

(2) The Army Reserve, 254,500.

(3) The Naval Reserve, 127,100.

(4) The Marine Corps Reserve, 38,900.

(5) The Air National Guard of the United States, 119,400.

(6) The Air Force Reserve, 82,400.

(7) The Coast Guard Reserve, 15,150.

(c) WAIVER AUTHORITY.—The Secretary of Defense may vary the end strength authorized by subsection (a) or subsection (b) by not more than 2 percent.

(d) ADJUSTMENTS.—The end strengths prescribed by subsection (a) or (b) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 403. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) FISCAL YEAR 1992.—Within the end strengths prescribed in section 402(a), the reserve components of the Armed Forces are authorized, as of September 30, 1992, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 23,341.

(2) The Army Reserve, 12,683.

(3) The Naval Reserve, 22,045.

(4) The Marine Corps Reserve, 2,170.

(5) The Air National Guard of the United States, 9,081.

(6) The Air Force Reserve, 643.

(b) FISCAL YEAR 1993.—Within the end strengths prescribed in section 402(b), the reserve components of the Armed Forces are authorized, as of September 30, 1993, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 21,580.

(2) The Army Reserve, 12,003.

(3) The Naval Reserve, 21,113.

(4) The Marine Corps Reserve, 2,130.

(5) The Air National Guard of the United States, 9,072.

(6) The Air Force Reserve, 618.

SEC. 404. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) SENIOR ENLISTED MEMBERS.—Effective on October 1, 1991, the table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	569	202	279	14
E-8	2,585	429	800	74

(b) OFFICERS.—Effective on October 1, 1991, the table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or lieutenant commander	3,219	1,071	575	110
Lieutenant colonel or commander	1,524	520	595	75
Colonel or Navy captain	372	188	227	25

PART C—MILITARY TRAINING STUDENT LOADS

SEC. 405. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) FISCAL YEAR 1992.—For fiscal year 1992, the components of the Armed Forces are authorized average military training loads as follows:

(1) The Army, 68,106.

(2) The Navy, 60,100.

(3) The Marine Corps, 21,193.

(4) The Air Force, 28,847.

(5) The Army National Guard of the United States, 14,626.

(6) The Army Reserve, 13,597.

(7) The Naval Reserve, 2,336.

(8) The Marine Corps Reserve, 3,514.

(9) The Air National Guard of the United States, 2,769.

(10) The Air Force Reserve, 1,663.

(b) FISCAL YEAR 1993.—For fiscal year 1993, the components of the Armed Forces are authorized average military training loads as follows:

(1) The Army, 66,580.

(2) The Navy, 59,370.

(3) The Marine Corps, 20,718.

(4) The Air Force, 28,474.

(5) The Army National Guard of the United States, 14,468.

(6) The Army Reserve, 13,095.

(7) The Naval Reserve, 2,476.

(8) The Marine Corps Reserve, 3,710.

(9) The Air National Guard of the United States, 2,771.

(10) The Air Force Reserve, 1,698.

(c) ADJUSTMENTS.—The average military student loads authorized in subsections (a) and (b) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

TITLE V—GENERAL PROVISIONS

SEC. 501. REPEAL OF REQUIREMENT FOR SEPARATE BUDGET REQUEST FOR PROCUREMENT OF RESERVE EQUIPMENT.

Section 114(e) of title 10, United States Code, is repealed.

SEC. 502. REPEAL OF REQUIREMENT FOR AUTHORIZATION OF CIVILIAN PERSONNEL BY END STRENGTH

Subsections (a)(4) and (b)(4) of section 115(b)(2) of title 10, United States Code, are repealed.

SEC. 503. REPEAL OF CEILING ON EMPLOYEES IN HEADQUARTERS AND NON-MANAGEMENT HEADQUARTERS AND SUPPORT ACTIVITIES

Section 194 of title 10, United States Code, is repealed.

SEC. 504. REVISED TRANSMITTAL FOR ANNUAL OUTLAY REPORT

Section 5(i)(1) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-180; 103 Stat. 1364) is amended by striking "December 15 of each year thereafter" and inserting in lieu thereof "the date the President's budget is transmitted to Congress".

SEC. 505. DEFENSE BUSINESS OPERATIONS FUND AMENDMENTS TO SECTION 2208 OF TITLE 10, UNITED STATES CODE

Section 2208 of title 10, United States Code, is amended—

(a)(1) by amending subsection (a) by striking out all that follows "the Secretary of Defense" and inserting in lieu thereof the following: "shall establish a Defense Business Operations Fund in the Department of Defense to finance operations within or among Departments and Agencies of the Department of Defense as he may designate, including, but not limited to:

"(1) financing and furnishing of inventories of supplies; and

"(2) performance of industrial, commercial, and support type activities."; and

(2) by amending subsection (b) to read as follows:

"(b) There is established on the books of the Treasury a Fund entitled the "Defense Business Operations Fund" (hereinafter referred to in this section as the "Fund".";

(3) by amending subsection (c) to read as follows:

"(c) The Fund shall be charged, when appropriate, with the cost of—

(1) all operating costs;

(2) all capital costs, except that construction costs may not be incurred except to the extent and in the manner provided for in annual military construction authorization and appropriations Acts;

including applicable administrative expenses.";

(4) by amending subsection (d) to read as follows:

"(d) The Fund shall be reimbursed from available appropriations of the Department of Defense or otherwise credited for those costs, including applicable administrative expenses and all operating costs and the cost of depreciating and amortizing capital.";

(5) by amending subsection (e) to read as follows:

"(e) The Secretary of Defense may provide capital for the Fund by capitalizing inventories. In addition,

"(1) the Fund is authorized to acquire capital assets, including the construction of facilities, subject to the limitation on construction specified in subsection (c)(2) of this section; and

"(2) such amounts may be appropriated for the purpose of providing capital for the Fund as have been specifically authorized by law.";

(6) by amending subsection (f) by striking out "industrial-type or commercial-type activities for which working-capital funds may be established under this section" and inserting "the Fund" in place thereof;

(7) by amending subsection (g) to read as follows:

"(g) Supplies returned to the Fund may be charged to the Fund in accordance with regulations prescribed by the Secretary of Defense.";

(8) by amending subsection (h)—

(a) by striking out "activities and use of inventories authorized by this section" and inserting "the Fund" in place thereof in the first sentence; and

(b) by striking out "Working capital funds" in the fourth sentence and inserting "The Fund" in place thereof;

(9) by amending subsection (i)(1) by striking out "a working capital funded Department of the Army arsenal"; and inserting "a Department of the Army arsenal financed by the Fund" in place thereof; and

(10) by repealing subsection (j) and redesignating subsection (k) as subsection (j) and by

amending subsection (j) as so redesignated by striking out "of working capital funds" and inserting "the Fund" in place thereof.

(b) CLERICAL AMENDMENT.

(1) The heading of section 2208 of title 10, United States Code, is amended by striking out "working-capital funds" and inserting "Defense business operations fund" in lieu thereof.

(2) The item relating to such section in the table of sections at the beginning of chapter 131 of such title is revised to conform to the amendment made by subsection (b)(1).

(c) EFFECTIVE DATE.—The amendments made by this section become effective on October 1, 1991 or on the date of enactment of this Act whichever occured later.

(d) TRANSITION PROVISIONS.—

(a) Upon the effective date of this section all assets and balances of working capital funds established pursuant to the provisions of section 2208 of title 10, United States Code, as in effect immediately prior to the effective date of this section shall be transferred to the Defense Business Operations Fund established by the amendments made to section 2208 of such title by subsection (a) of this section.

(B) During fiscal year 1992, the construction cost provisions of section 2208(c) of title 10, United States Code, as amended by this section, shall apply only to construction costs exceeding the amount specified in section 2805(c)(1) of title 10, United States Code.

SEC. 506. ESTABLISHMENT OF LEASE REPLACEMENT FUND, DEFENSE.

(a) Chapter 131 of title 10, United States Code, is amended by inserting after section 2217 the following new section:

"§ 2218. Lease Replacement Fund, Defense

"(a) There is established on the books of the Treasury the "Lease Replacement Fund, Defense.

"(b) The Fund shall be available for the rehabilitation, construction, and renovation of property and facilities owned by the Department of Defense which are determined to be suitable, available, or needed for utilization by the Department as replacement facilities for facilities being leased by, or on behalf of, the Department of Defense.

"(c) Upon a determination by the Secretary of Defense that funds are required to facilitate the purpose of subsection (b), such funds may be transferred to appropriations available to the Department of Defense designated by the Secretary. If all or part of the funds so transferred are not needed for the purposes for which they were transferred, those funds may be transferred back to the Fund.

"(d) Appropriations available to the Department of Defense for leases which are replaced by utilization of property and facilities rehabilitated, constructed, or renovated with funds in, or derived from, the Fund shall be deposited to the Fund in such amounts and under such terms and conditions as the Secretary may determine to be necessary to reimburse the Fund for expenses incurred by, or with funds derived from, the Fund.

"(e) Appropriations made to the Fund and amounts deposited to the fund under subsection (d) shall remain available until expended.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2217 the following new item:

"2218. Lease replacement fund, defense.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for the Lease Replacement Fund for fiscal year 1992 in the amount of $50,000,000 and for fiscal year 1993 in the amount of $25,000,000.

SEC. 507. REPEAL OF FISCAL YEAR 1991 V-22 AIRCRAFT PROGRAM PROVISIONS.

Section 152 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1505) is repealed.

SEC. 508. REPEAL OF REQUIREMENT FOR STATUTORY GUIDELINES FOR FUTURE REDUCTIONS OF CIVILIAN EMPLOYEES OF INDUSTRIAL-TYPE OR COMMERCIAL-TYPE ACTIVITIES.

Section 1597 of title 10, United States Code, is repealed.

SEC. 509. DETERMINATION OF VARIABLE HOUSING ALLOWANCE FOR RESERVES

(a) USE OF PRINCIPAL PLACE OF RESIDENCE.—Section 403a(d) of title 37, United States Code, is amended by adding a new subparagraph (d)(4):

"(d)(4)(A) For the purpose of determining the amount authorized to be paid in the case of a retired member or a member of a reserve component of the uniformed services described in subparagraph (4)(B), who is otherwise entitled to a variable housing allowance under section 403a of title 37, United States Code, the member shall be considered as assigned to duty at the member's principal place of residence, determined as prescribed by the Secretary of Defense.

"(B) A retired member of a uniformed service ordered to active duty under section 688 of title 10, United States Code, or a member of a reserve component of the uniformed services serving on active duty under a call or order to active duty (other than for training), is a member who is performing duty away from the member's principal place of residence, determined as prescribed by the Secretary, and

"(i) has not been authorized transportation of household goods from his principal place of residence to the place at which serving on active duty, and

"(ii) if serving on active duty on the last day of a fiscal year would be accountable under section 115(b)(1)(A)(i) or (ii) of title 10, United States Code.".

SEC. 510. MEDICAL, DENTAL, AND NONPHYSICIAN SPECIAL PAYS FOR RESERVE, RECALLED, OR RETAINED HEALTH CARE OFFICERS.

Section 303a of title 37, United States Code is amended—

(1) by redesignating subsection (c) as (d); and

(2) by inserting the following new subsection (c):

"(c)(1) A health care officer who,

(A) is a reserve on active duty other than for training under a call or order to active duty for a period of at least 31 days but less than one year; or

(B) is involuntarily retained on active duty under section 673c of title 10 or is recalled to active duty under section 688 of that title for a period of at least 31 days; or

(C) voluntarily agrees to remain on active duty for less than one year at a time during which any officers are involuntarily retained on active duty under section 673c of title 10 or in case of other special circumstances as determined under regulations prescribed by the Secretary of Defense—

is eligible for the applicable special pay under section 302, 302a, 302b, 302e, or 303 of this title, notwithstanding any requirement in those sections that

(A) the call or order of the officer to active duty be for a period of not less than one year; or

(B) the officer execute a written agreement to remain on active duty for a period not less than one year.

(2) Special pay payable to an officer under paragraph (1) of subsection (a) may be made on a monthly basis. The officer shall refund any amount received in excess of the amount that corresponds to the actual period of active duty that the officer served.

(3) A reserve medical officer in receipt of special pay under section 302 of this title under paragraph (1), is not entitled to special pay under subsection (h) of section 302.".

SEC. 511. GRADE IN WHICH RETIRED OFFICERS ARE ORDERED TO ACTIVE DUTY

Section 688 of title 10, United States Code, is amended as follows:

(a)(1) by redesignating subsection (b) as paragraph (2); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b)(1) A retired member ordered to active duty under this section, who serves on active duty pursuant to such order in a grade that is higher than his retired grade, shall be advanced on the retired list upon his release from that duty, to the highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the military department concerned, and if that grade is higher than his retired grade, such service must be for a minimum of three years total active service in the higher grade. The President may waive the three-year requirement in individual cases involving extreme hardship or exceptional or unusual circumstances.".

(b) By amending subsection (d)(1) of such section striking out "in his retired grade" and inserting in lieu thereof "in the higher of his retired grade or the highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the military department concerned".

SEC. 512. INTELLIGENCE MANPOWER REDUCTIONS

Paragraph (1) of subsection (b) of section 907 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1622) is amended to read as follows:

"(b) PERSONNEL REDUCTIONS.—(1) The number of personnel assigned or detailed to the National Foreign Intelligence Program (NFIP) and related Tactical Intelligence and Related Activities (TIARA) programs, as described in paragraph (2), shall be adjusted in accordance with actions taken by the Secretary of Defense, together with the Director of Central Intelligence, under paragraphs (1) through (5) of subsection (a). Such adjustments shall be specifically identified in the budget submissions for NFIP and TIARA programs for each Fiscal Year from 1992 through 1996.".

SEC. 513. EXTENSION OF VARIOUS EXPIRING LAWS (1991)

(a) AVIATOR RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1991" and inserting in lieu thereof "September 30, 1993".

(b) SPECIAL UNIT ASSIGNMENT PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1991" and inserting in lieu thereof "September 30, 1993".

SEC. 514. EXTENSION OF VARIOUS EXPIRING LAWS (1992)

(a) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 699; 10 U.S.C. 3360 note), as amended, is

amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(b) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(c) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of title 10, United States Code, are each amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(d) AUTHORITY FOR TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS.—Section 5721(f) of title 10, United States Code, is hereby repealed.

(e) EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 2172(d) of title 10, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(f) ACCESSION BONUS FOR REGISTERED NURSES.—

(1) Section 302d(a) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

(2) Section 2130a(a) of title 10, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

(g) SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

(h) SPECIAL PAY FOR REENLISTMENT BONUSES.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1997".

(i) SPECIAL PAY FOR ENLISTMENT BONUS.—Section 308a(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1997".

(j) EXTENSION OF ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR RESERVE FORCES.—Sections 308b(g), 308c(f), 308e(e), 308g(h), 308h(g), and 308i(i) of title 37, United States Code, are each amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

SEC. 515. GENERAL COUNSELS OF THE MILITARY DEPARTMENTS

(1) AUTHORIZING THE SECRETARIES OF THE MILITARY DEPARTMENTS TO ASSIGN POWERS, FUNCTIONS, AND DUTIES TO THE GENERAL COUNSELS OF THE MILITARY DEPARTMENTS.—Sections 3013(f), 5013(f), and 8013(f) of title 10, United States Code, are amended by inserting "and the General Counsel" after "Assistant Secretaries".

(2) AUTHORIZING THE GENERAL COUNSELS OF THE MILITARY DEPARTMENTS TEMPORARILY TO PERFORM THE DUTIES OF THE SECRETARIES OF THE MILITARY DEPARTMENTS.—Sections 3017, 5017, and 8017 of title 10, United States Code, are amended by inserting "and the General Counsel" after "Assistant Secretaries".

(3) IDENTIFYING THE GENERAL COUNSELS AS THE CHIEF LEGAL OFFICERS OF THE MILITARY DEPARTMENTS.—Sections 3019(b), 5019(b), and 8019(b) of title 10, United States Code, are amended by inserting "is the chief legal officer of the Department and" after "Counsel".

(4) ESTABLISHING THE MILITARY DEPARTMENTS' GENERAL COUNSEL POSITIONS AT LEVEL IV OF THE EXECUTIVE SCHEDULE.—(a) Section 5315 of title 5, United States Code, is amended by inserting at the end thereof the following new paragraphs:

"General Counsel of the Department of the Air Force;

General Counsel of the Department of the Army;

General Counsel of the Department of the Navy.".

(b) Section 5316 of title 5, United States Code, is amended by striking out the following paragraphs:

"General Counsel of the Department of the Air Force.

General Counsel of the Department of the Army.

General Counsel of the Department of the Navy.".

(5) TECHNICAL AMENDMENT TO DEFENSE AUTHORIZATION ACT.—Subsection 703(b) of Public Law 100-456 is repealed and the amendments made by this Act are effective upon enactment.

SEC. 516. ESTABLISHMENT OF DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY

(1) Chapter 4 of title 10, United States Code, is amended (a) by adding after section 134 the following new section 134a:

"§ 134a. Deputy Under Secretary of Defense for Policy

"(a) There is a Deputy Under Secretary of Defense for Policy appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Deputy Under Secretary of Defense for Policy shall assist the Under Secretary of Defense for Policy in the performance of his duties. The Deputy Under Secretary of Defense for Policy shall act for, and exercise the powers of, the Under Secretary when the Under Secretary is absent or disabled."; and

(b) the table of sections at the beginning of chapter 134 is amended by inserting after the item for section 134 the following:

"134a. Deputy Under Secretary of Defense for Policy.".

(2) Section 5315 of title 5, United States Code, is amended by inserting in the list of positions at level IV of the Executive Schedule after the item relating to the Deputy Director for Supply Reduction, Office of National Drug Control Policy, the following: "Deputy Under Secretary of Defense for Policy.".●

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, April 30, 1991.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC

DEAR MR. PRESIDENT: There is forwarded herewith legislation, "To authorize appropriations for fiscal years 1992 and 1993 for military personnel levels for fiscal years 1992 and 1993, and for other purposes."

This legislative proposal is part of the Department of Defense legislative program for the 102nd Congress and is needed to carry out the President's fiscal years 1992 and 1993 budget plan. The Office of Management and Budget advises that there is no objection to the presentation of this proposal to the Congress and that its enactment would be in accord with the program of the President.

Title I provides procurement authorization for the Military Departments and for the Defense Agencies in amounts equal to the budget authority included in the President's budget for fiscal years 1992 and 1993.

Title II provides for the authorization of each of the research, development, test, and evaluation appropriations for the Military Departments and Defense Agencies in amounts equal to the budget authority included in the President's budget for fiscal years 1992 and 1993.

Title III provides for authorization of the operation and maintenance appropriations of the Military Departments and the Defense Agencies in amounts equal to the budget authority included in the President's budget for fiscal years 1992 and 1993. Title III also includes authorization of appropriations for the purpose of providing capital for working-capital and revolving funds of the Department of Defense in amounts equal to the budget authority included in the President's budget for fiscal years 1992 and 1993.

Title IV prescribes the personnel strengths for the active forces and the Selected Reserve component of each service in the numbers provided for by the budget authority and appropriations requested for the Department of Defense in the President's budget for fiscal years 1992 and 1993. This title also prescribes the end strengths for reserve component members on full-time active duty or full-time National Guard duty for the purpose of administering the reserve forces and provides for an increase in the number of certain enlisted and commissioned personnel who may be serving on active duty in support of the reserve components. Finally, title IV provides for the average military training student loads in the numbers provided for this purpose in the President's budget for fiscal years 1992 and 1993.

Title V consists of sixteen general provisions. Section 501 repeals the provisions of section 114(e) of title 10, United States Code, requiring a separate budget request for the procurement of Reserve equipment. Section 502 repeals the provisions of section 115(b)(2) of title 10, United States Code, requiring the authorization of an end strength for civilian personnel of the Department of Defense. Section 503 repeals the provisions of section 194 of title 10, United States Code, on the number of personnel who may be assigned to management and non-management headquarters support activites.

Section 504 revises the requirement contained in section 5 of the National Defense Authorization Act for fiscal years 1990 and 1991 for the submission of a joint annual outlay report by the Director of the Office of Management and Budget and the Director of the Congressional Budget Office. Instead of submission of the report on December 5 of each year, the proposal would require the report with the President's budget submission.

Section 505 amends the provisions of section 2208 of title 10, United States Code, pertaining to working capital funds of the Department of Defense to provide for a single working capital fund to be known as the Defense Business Operations Fund.

Section 506 amends chapter 131 of title 10, United States Code by adding a new section, 2218, providing for the establishment of the "Lease Replacement Fund, Defense." Section 507 repeals section 152 of the National Defense Authorization Act for Fiscal Year 1991 which contains funding and program provisions concerning the V-22 Aircraft Program. Section 508 repeals section 1597 of title 10, United States Code, which was added by section 322 of the National Defense Authorization Act for fiscal year 1991 and which imposes a statutory requirement for the development of guidelines for future reductions of civilian employees of industrial-type or commercial-type activities.

Section 509 allows a reservist called to active duty for other than training to use his or her home of record in determining the rate of variable housing allowance. Section

510 makes medical, dental, and nonphysician special pays available to reserve, recalled, or retained health care officers even though they serve less than one year. Section 511 authorizes retired officers to be recalled in the highest grade previously held on active duty and to be advanced to that grade (with three years time in service) on the retired list upon release from active duty.

Section 512 amends the FY 1991 National Defense Authorization Act to eliminate the specific arithmetic goal for intelligence manpower reductions. Sections 513 and 514 are extensions of various laws that expire in fiscal years 1991 and 1992, respectively. Section 515 would identify the General Counsels of the Military Departments as the chief legal officers of their respective departments, clarify their relationships with the respective Judge Advocate Generals of the Military Services, and make them eligible to perform duties of the Department Secretaries in appropriate circumstances. The section also would move the General Consels of the Military Departments from Level V to Level IV of the Executive Schedule. Section 516 would authorize a new Deputy Under Secretary of Defense for Policy.

Enactment of this legislation is of great importance to the Department of Defense and the Department urges its speedy and favorable consideration.

Sincerely,

TERRENCE O'DONNELL.

By Mr. LAUTENBERG:

S. 1067. A bill to amend the Urban Mass Transportation Act of 1964 to provide for grants and loans to private nonprofit corporations and associations to be used to pay operating expenses related to new and existing mass transportation services for elderly and handicapped persons; to the Committee on Banking, Housing, and Urban Affairs.

ELDERLY AND HANDICAPPED TRANSPORTATION IMPROVEMENT ACT

• Mr. LAUTENBERG. Mr. President, I rise today to introduce the Elderly and Handicapped Transportation Improvement Act to address one of the most pressing problems confronting our Nation's senior and disabled citizens. That problem, Mr. President, is a lack of transportation services. Seniors are becoming more and more isolated from transportation services and lack mobility to get to health care and other essential services. The 60 and older population will increase by 32 percent in less than 20 years and those over 85 will increase nearly 90 percent. In a recent Gallup poll, 61 percent of seniors said transportation is a serious problem in obtaining medical care.

Mr. President, we currently have a Federal program whose mission is to meet the transporation needs of our Nation's senior citizens and disabled persons. The Urban Mass Transit Administration administers the section 16(B)(2) program which provides funds to nonprofit organizations to purchase vehicles to provide transportation services to seniors and the disabled. This program has enabled nonprofit organizations to make accessible essential health and social services not otherwise available through traditional public transportation systems. Our Nation's nonprofit organizations are the core limbs in the service delivery system for these populations. Adequate transportation services are critical to providing these services to all senior citizens that need them.

There is now growing evidence, however, that our nonprofit organizations do not have the resources to provide vital transportation services to our senior citizens and the disabled. In my State of New Jersey, over 50 percent of all nonprofit organizations that applied for vehicles under the section 16(B)(2) program were denied because of a lack of funding. A recent survey of all section 16(B)(2) administrators showed an additional $30 million is needed to meet the needs of senior citizens.

The authorization level for the 16(B)(2) program has been capped at $35 million over the last 5 years. As chairman of the Transportation Appropriations Subcommittee, I have fought hard to ensure that this program, which serves the special transportation needs of the handicapped, as well as senior citizens, was funded at the highest possible level authorized, $35 million, but this level is inadequate. The Elderly and Handicapped Transportation Improvement Act of 1991 will not only provide more funding for vehicles for nonprofit organizations. It will also provide funds for startup and operational costs for nonprofits with transportation programs.

Mr. President, it is becoming increasingly more expensive for nonprofit organizations to operate special vehicles for senior citizens and handicapped Americans. A recent report on the section 16(B)(2) program done by the Community Transportation Association of America showed that the operating budget of the the average section 16(B)(2) provider was $83,372. The costs of insurance, maintenance, personnel and other operations are increasing much faster than the rate of inflation. These costs are threatening the very purpose of the section 16(B)(2) program. In New Jersey and in other States, nonprofit organizations have had to stop transportation services because of the exploding costs of insurance and other operating costs. Some New Jersey nonprofits indicate that their insurance costs have tripled in the last 3 years.

Most nonprofit organizations in New Jersey provide free service for rides for senior citizens to receive health care. There is increasing pressure, however, for them to charge seniors for these essential services due to lack of resources. Medical care is expensive enough for our Nation's senior citizens. We shouldn't compound the financial problems seniors face in obtaining affordable, quality health care.

Mr. President, we need to reverse course. We should be providing more transportation services to the ever growing senior population, not reduced services. My legislation would double the authorization level for the section 16(B)(2) program in fiscal year 1992 and would increase this level of funding by $5 million each year until fiscal year 1996 to keep up with the growing needs for these services. The bill also contains a provision that will allow section 16(B)(2) funds to be used for startup costs and other operational costs. These funds will be targeted to nonprofit organizations to help them establish elderly and handicapped transportation programs in areas where they are not currently available. These funds will also be available to needy nonprofit organizations who currently provide transportation services but are on the verge of discontinuing these vital services because of increasing operational costs.

Mr. President, this year the Congress will reauthorize the Older Americans Act which provides $1.3 billion in fiscal year 1991 for health, nutrition, employment, training and legal services to our Nation's seniors. What good are these services if our neediest senior citizens can't receive them because they lack necessary transportation? I hope my colleagues will join me in this effort to provide transportation to our Nation's seniors and disabled so that they receive the services they need. This bill is supported by the AARP, National Committee to Preserve Social Security, National Council of Senior Citizens, and the National Association of State Units on Aging. I ask unanimous consent that copies of these letters of support and the full text of this bill be included in the RECORD.

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

S. 1067

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 "Elderly and Handicapped Transportation Improvement Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the population of the United States that is 60 years of age and older will increase by 32 percent within the next 20 years;

(2) the population of the United States that is 85 years of age and older will increase by 88 percent in the next 20 years;

(3) senior citizens are becoming increasingly isolated from transportation services;

(4) a majority of senior citizens view the lack of transportation as a serious problem in obtaining medical care; and

(5) nonprofit social services organizations that provide services to elderly and handicapped persons are facing increasing insurance, maintenance, and operating costs.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase the authorization of appropriations for the existing program providing mass transportation services for elderly and handicapped persons; and

(2) to provide grants and loans to nonprofit organizations and associations to be used to pay operating expenses related to new and existing mass transportation services for elderly and handicapped persons.

SEC. 3. OPERATING EXPENSES GRANTS FOR NEW AND EXISTING TRANSPORTATION PROGRAMS FOR THE ELDERLY AND HANDICAPPED.

(a) IN GENERAL.—Section 16(b) of the Urban Mass Transportation Act of 1964 (49 U.S.C. App. 1612(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" after "(b)";

(3) by striking "and" at the end of subparagraph (A), as redesignated;

(4) in subparagraph (B), as redesignated—

(A) by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)"; and

(B) by striking the period at the end and all that follows through the end of subsection (b), and inserting the following: "; and

"(C) to private nonprofit corporations and associations to be used by such corporations and associations for the specific purpose of paying operating expenses related to new and existing transportation services meeting the special needs of elderly and handicapped persons.

"(2) Recipients of grants or loans under paragraph (1) shall coordinate transportation services provided in accordance with this section with other local transportation services designed to meet the special needs of elderly and handicapped persons, including those assisted under this Act, for the purpose of preventing duplication of such efforts.

"(3) Nothing in subparagraph (B) shall be construed to prohibit the leasing of vehicles purchased in accordance with subparagraph (B) to local public bodies or agencies for the purpose of improving transportation services designed to meet the special needs of elderly and handicapped persons.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 21(g) of the Urban Mass Transportation Act of 1964 (49 U.S.C. App. 1617(g)) is amended by adding at the end the following:

"(3) From the funds made available under subsection (a)(2), there shall be set aside to carry out section 16(b)—

"(A) $70,000,000 for fiscal year 1992;

"(B) $75,000,000 for fiscal year 1993;

"(C) $80,000,000 for fiscal year 1994;

"(D) $85,000,000 for fiscal year 1995; and;

"(E) $90,000,000 for fiscal year 1996.".

AMERICAN ASSOCIATION OF RETIRED PERSONS,
Washington, DC, May 9, 1991.

Hon. FRANK R. LAUTENBERG,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing on behalf of the American Association of Retired Persons (AARP) in support of your efforts to expand and improve the transportation program for the elderly and handicapped, Section 16(b)2.

During the next few years, three major changes will place enormous pressure on transportation providers to increase specialized services for older and disabled people. The first change is the rapid growth of the older population—especially among the oldest old who are most likely to require specialized transportation services. For example, in the two decades between 1990 and 2010, the number of people over the age of 85 will rise by 88 percent from 3.3 million to 6.1 million.

The second change is the increasing concentration of older people in low-density suburbs and rural areas where fixed route transit systems are absent or ill-suited to meeting their needs. If current trends continue, three-quarters of all older people will live in suburban or rural areas by the turn of the century.

The third change comes from the passage last year of the landmark Americans with Disabilities Act. That act requires the provision of a level of services for those who must depend on specialized transit "comparable" to that provided the users of fixed route transportation.

To meet the challenges presented by these changes will require more resources and better use of current resources. The Lautenberg bill would promote both of these aims by:

Doubling the authorized spending level of the Section 16(b)2 program to $70 million in FY 1992 and increasing the authority by $5 million a year for each of the next five years;

Authorizing funds to be used for operating subsidies as well as capital costs;

Improving the coordination of funding streams from various transportation programs; and

Improving coordination among providers of transportation services by permitting leasing arrangements.

Section 16(b)2 has been an unheralded success in providing transportation services for older and disabled people. The changes proposed in the Lautenberg bill would make very substantial improvements in this important program serving some of the nation's neediest citizens. Thank you for your leadership on this issue. If we can be of further assistance on this or any other issue, please do not hesitate to contact Don Redfoot of our Federal Affairs staff at 728-4830.

Sincerely,

JOHN ROTHER,
Director, Legislation and Public Policy Division.

NATIONAL COUNCIL OF SENIOR CITIZENS,
Washington, DC, May 2, 1991.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: This is written in support of your proposed amendment to the Urban Mass Transit Act (UMTA) to increase transportation services for older and handicapped persons.

Your amendment expands UMTA Section 16(b) authority to include both operating costs and start-up expenses. It will also double the existing authorization level to $70 million and provide for $5 million incremental increases in years to come.

Transportation services are vital to the lives of both older persons and persons with handicaps. Public transit services have been declining across the nation. These new UMTA resources will relieve presures to utilize growing portions of Older Americans Act and Community and Social Service Block Grant funds to maintain minimal public transit services for older and handicapped persons.

We compliment you on your leadership in this area.

Sincerely,

LAWRENCE T. SMEDLEY,
Executive Director.

NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE,
Washington, DC, May 13, 1991.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing on behalf of the 5 million members and supporters of the National Committee to Preserve Social Security and Medicare in support of your efforts to increase authorized funding for the Urban Mass Transit Administration's specialized transportation program for the elderly and handicapped.

This program has made an important contribution to the independence and well-being of senior citizens and the disabled. However, rapidly expanding populations and increasing costs are threatening the viability of the program. Increased appropriations are necessary to ensure that seniors and disabled have access to transportation to health care providers and other social service programs.

I applaud your leadership in seeking increased funding for this important program. If I can be of any further assistance, please feel free to contact me.

Sincerely,

MARTHA A. MCSTEEN,
President.

NATIONAL ASSOCIATION OF STATE UNITS ON AGING,
Washington, DC, May 1, 1991.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: The National Association of State Units on Aging commends you for your interest in improving mass transportation services for elderly and handicapped persons. We are supportive of your efforts to introduce legislation to achieve this goal. Attached is a copy of the Policy Statement on Reauthorization of Federal Transportation Legislation adopted by the NASUA Board of Directors at its March 1991 meeting.

Sincerely,

DANIEL A. QUIRK,
Executive Director.•

By Mr. WARNER (for himself and Mr. ROBB):

S. 1068. A bill to declare a portion of the Appomattox River, VA, to be not navigable water within the meaning of the Constitution and laws of the United States; to the Committee on Commerce, Science, and Transportation.

NONNAVIGABILITY OF THE APPOMATTOX RIVER, VA

• Mr. WARNER. Mr. President, I rise today to introduce legislation which would resolve a deadlock between Federal law and the responsibilities vested in a State political subdivision that is preventing the development of a 4.5-megawatt hydroelectric facility by the Appomattox River Water Authority at the Brasfield Dam on the Appomattox River near Petersburg, VA.

This legislation will affect only a small portion of the Appomattox River currently managed by the authority and will permit State and local agencies to determine the proper use of these valuable resources.

The authority is a nonprofit political subdivision created by the Virginia General Assembly in 1960 to supply

drinking water to three counties and two cities in Virginia: Chesterfield, Prince George and Dinnwiddie Counties and the cities of Petersburg and Colonial Heights. To fulfill that mandate, the authority built the Brasfield Dam on the Appomattox River in 1968 and manages the dam and its impoundment, Lake Chesdin, as the primary water source serving these five localities.

The authority first considered developing the hydroelectric potential of the Brasfield Dam in 1984, and in 1985, filed a license application with the Federal Energy Regulatory Commission [FERC] to construct and operate a 4.5-megawatt hydroelectric facility. On December 20, 1988, the Commission issued the authority a license to develop the project, provided that the authority complied with certain conditions controlling the management of the water supply. These conditions required the authority to implement the Commission regulations regarding the use, storage, and discharge of waters from the dam. In essence, the FERC license required the authority to relinquish control over its management of the drinking water supply, a responsibility that is vested in the authority by State law, as a condition for allowing the hydroelectric project to proceed.

In January 1989, the authority requested the Commission to reconsider those conditions, because the conditions would require it to surrender ultimate control over waterflows at the Brasfield Dam and other aspects of reservoir management, including recreational and shoreline development. On December 11, 1989, FERC denied the substance of that appeal, explaining that under the Federal Power Act, the Federal Government was authorized to exercise broad management control over the dam and impoundment, including drinking water supply operations, and that it would retain the authority to modify those operations as it saw fit. During 1990, the authority sought to structure a third party arrangement which would accommodate the Federal conditions and its own concerns, but such arrangement could not be developed, and the authority surrendered its license to the Commission in October 1990.

The legislation I am introducing today will correct the impasse created by the FERC determination that in order to develop the project, the authority must surrender to the FERC the water management responsibilities of Lake Chesdin that are vested in the authority by State law. The proposed legislation would exempt the hydroelectric project's location from the navigation servitude and thereby withdraw it from Federal licensing jurisdiction. After this exemption, the project will be regulated directly by State agencies, including the dam safety program administered by the Virginia Department of Soil and Water Conservation.

By enacting this legislation, we will permit this valuable energy resource to be developed. The proposed project would generate over 16,000,000 kilowatt hours annually which would be sold to Virginia Power for resale, and will provide backup power for the authority's water treatment operations during emergency conditions.

During the FERC licensing proceeding, no party opposed the project, and the issuance of the Federal license confirms that there is a public interest in developing the hydroelectric capability at this site. The federally issued license concluded that there is a need for additional generation and that the demand for electric power will continue to grow. This legislation will assist in meeting that growing demand through the use of a currently wasted hydroelectric site.

I must also mention that exempting this site from Federal jurisdiction is consistent with the President's recently proposed National Energy Strategy. That strategy proposes to exempt from Federal jurisdiction, non-Federal hydroelectric projects with less than 5 megawatts generation capacity because these projects raise local rather than Federal issues and have little or no impact on navigation or interstate commerce.

Mr. President, I believe this project is worthy of our support and hope this legislation will move swiftly to final passage.●

● Mr. ROBB. Mr. President, I rise today in support of a bill sponsored by the senior Senator from Virginia, Senator WARNER, to remove a roadblock to the construction of a small hydroelectric facility by the Appomattox River Water Authority, a nonprofit State-chartered water supply agency, located in Petersburg, VA.

The authority has proposed building a 4 megawatt hydroelectric facility at its existing Brasfield Dam, which was originally constructed by the authority to supply water to surrounding communities. Because the Appomattox River is a navigable water of the United States, the hydroelectric facility requires permits from a number of Federal agencies, including the Federal Energy Regulatory Commission [FERC]. The authority has already received a permit from the Army Corps of Engineers and a license from FERC. However, because the authority's charter says it must retain control over the Appomattox Reservoir, it has been impossible for the authority to accept the FERC license. FERC operating licenses require that FERC be given ultimate control over waterflows and other matters, control which the authority does not believe its charter allows it to cede.

The legislation Senator WARNER and I are introducing today would exempt the project from Federal jurisdiction. A number of similar exemptions have been signed into law over the last several decades. This year, in fact, the Congress is considering exempting from FERC jurisdiction all hydro facilities under 5 megawatts.

The Appomattox Authority is in a genuine bind: its charter fundamentally conflicts with the requirements of the FERC license. This bill helps resolve this conflict and allows an otherwise fully permitted and engineered renewable energy project to proceed. All State environmental laws and regulations will still apply. I urge the Senate to move swiftly to pass this legislation.●

By Mr. MITCHELL (for himself, Mr. BURDICK, Mr. MOYNIHAN, Mr. BAUCUS, Mr. JEFFORDS, Mr. LIEBERMAN, and Mr. KASTEN):

S. 1069. A bill to assess and protect the quality of the Nation's lakes; to the Committee on Environment and Public Works.

LAKES ASSESSMENT AND PROTECTION ACT OF 1991

Mr. MITCHELL. Mr. President, today I am introducing legislation to protect one of the Nation's most important natural and recreational resources—our freshwater lakes.

I am pleased that Senator BURDICK chairman of the Environment and Public Works Committee, Senator BAUCUS, chairman of the Environmental Protection Subcommittee, and other Senators are joining me in introducing this legislation.

There are over 90,000 lakes throughout the country, covering some 40 million acres. These lakes are a natural resource of outstanding value and importance, providing vital habitat for fish and wildlife.

Lakes also provide a significant portion of the Nation's drinking water. Protecting the quality of lakes used for drinking water is a prudent investment in public health and can help avoid costly drinking water treatment.

Lakes are also one of our most important recreational resources. Millions of Americans have easy access to lakes. Lakes provide for a wide range of recreational opportunities, including boating and fishing, and are an especially significant resource for swimming and related body contact recreation.

There is growing evidence of significant water quality problems in lakes. EPA estimates that 25 percent of our lakes are impaired by pollution and that an additional 20 percent are threatened by pollution.

Trends in lake water quality are difficult to determine because of the lack of monitoring data and inconsistencies in data. However, EPA reviewed monitoring data collected over a several-

year period and identified an increase of about 10 percent in lakes reported to be eutrophic or have high nutrient levels. The number of lakes reported in categories with lower nutrient and biological activity levels decreased by a corresponding amount.

The EPA reports that the single biggest water quality problem in lakes is excessive levels of nutrients. Nutrients are elements, primarily phosphorus and nitrogen, that promote plant and algae growth. Excessive nutrients may increase productivity of the lake to the point where algae blooms and aquatic vegetation impedes recreational activity and diminishes aesthetic value.

When algae and aquatic vegetation die at the end of their growing season, their decomposition consumes oxygen dissolved in the water. This oxygen depletion is harmful to fish and severe depletion can result in fish kills.

Siltation and turbidity are also major problems in lakes. Siltation can damage fish habitat, promote growth of aquatic vegetation, and adversely affect recreation.

While only about half the States currently monitor for toxic pollutants in lakes, about one-third of the lake acres monitored are affected by toxics. The most frequently reported toxic pollutants are PCB's, pesticides—including chlordane, atrazine, and alachlor, metals—including cadmium, lead, zinc, copper, silver and manganese, and mercury.

Toxic pollution has resulted in fishing bans or consumption advisories on many lakes. States report that over 2.8 million lake acres are affected by fish consumption advisories on bans.

Runoff from diffuse or "nonprofit" sources, such as agricultural lands, construction and mining sites, and urban areas is the single biggest source of lake pollution.

Other significant sources of lake impairment include hydrogen/habitat modification—33 percent of impaired lake acres, storm sewers, 28 percent; and disposal practices, 26 percent; and sewage discharges, 15 percent. Some pollution sources, such as combined sewer overflows, are a problem for a limited number of lakes, but have very significant impacts where they exist.

Lakes are one of the outstanding natural resources of my home State of Maine. Maine has 5,855 lakes and almost half are greater than 10 acres.

For over 100 years, Maine's lakes have been known far and wide for their exceptional quality and recreational value. A recent study by the University of Maine estimates that the economic value of inland fishing alone is between $300 and $494 million a year, a large portion of which is derived from lakes.

Maine lakes are also an important source of drinking water. Fifty-three lakes are the primary drinking water source for several of the largest cities in Maine. Portland, Bangor, Waterville, and Lewiston got drinking water from lakes. Maintaining the high quality of these drinking water supplies can help avoid the high costs of additional treatment to meet public health standards.

Fortunately, most of Maine's lakes are still clean and clear. Only about 50 lakes are known to have poor water quality. But sharp decline of some of Maine's most significant recreational lakes offers a clear example of how lake water quality can rapidly deteriorate with little warning.

The legislation I am introducing today builds on and strengthens the Clean Lakes Program established in section 314 of the Clean Water Act. This bill has several key provisions.

Research on lake pollution problems has lagged behind research on other types of waterbodies. The bill would amend the Clean Water Act to provide authority for research of lake processes, lake monitoring methods, special vulnerabilities of lakes, and control pollution problems common to lakes, such as nuisance vegetation.

A Lake Research Committee is established to assist the EPA Administrator in the design and implementation of the research program.

The bill provides a process to assure that lake water quality is protected by water quality standards to the same extent as water in rivers and streams.

EPA is to develop criteria for pollutants which are special problems in lakes. States will then designate uses for lakes and adopt water quality standards to assure that lakes are protected. EPA is to get standards where a State fails to do so.

The bill also expands the existing grant program from $30 to $50 million per year. The authorization for assessment and protection programs for specific lakes is increased and new authority for statewide lake protection efforts is provided.

The bill would also require the phase-out of phosphates in detergents. Phosphates in detergent products are a significant source of nutrients to lakes and other waterbodies.

Ten States currently have a total statewide ban on phosphates in detergents. Those bans have established a clear record of water pollution control success on major waterbodies, such as Chesapeake Bay. It is time to extend the simple and effective pollution control concept to the Nation as a whole.

Another important provision of the bill would focus existing agriculture land, management and grant assistance programs of the Department of Agriculture on watersheds of lakes which are found by States to have water quality problems. Programs covered by this provision include the Conservation Reserve Program, the Water Quality Incentives Program, and the Environmental Easement Program.

Finally, the bill would expand programs to control the spread of Eurasian Milfoil, an aquatic weed which clogs lakes. This plant severely impairs recreational uses of lakes.

Mr. President, I ask that a section by section description of the bill and the bill be printed at an appropriate place in the RECORD.

I look forward to working with my colleagues to develop the best possible legislation to protect lakes throughout the country.

Mr. President, I ask unanimous consent that the text of the bill and a section by section analysis be printed in the RECORD.

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

S. 1069

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

SHORT TITLE AND TABLE OF CONTENTS

SEC. 1(a). SHORT TITLE.—This Act may be cited as the "Lakes Assessment and Protection Act of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short Title and Table of Contents
Sec. 2. Findings
Sec. 3. Lake Water Quality Research
Sec. 4. Lake Water Quality Standards
Sec. 5. Lake Protection Program Support
Sec. 6. State Revolving Loan Fund Eligibility
Sec. 7. Demonstration Program
Sec. 8. Nutrient Control Initiative
Sec. 9. Agriculture Program Coordination
Sec. 10. Nuisance Aquatic Vegetation Control

FINDINGS

SEC. 2. The Congress finds that—

(1) freshwater lakes throughout the Nation are a natural resource of outstanding value and importance, providing vital habitat for fish and wildlife;

(2) lakes provide a significant percent of the Nation's drinking water supply, making protection of lake water quality a prudent investment;

(3) lakes offer a wide range of recreational opportunities, including boating and fishing, and are an especially significant resource for swimming and related body contact recreation;

(4) lakes are especially vulnerable to water pollution because they trap and store pollutants to a greater degree than other waterbodies;

(5) the Environmental Protection Agency reports that 25% of lakes are impaired by pollution and that an additional 20% are threatened by pollution;

(6) many States report that water quality conditions in lakes have deteriorated in recent years and studies by the Environmental Protection Agency confirm this trend;

(7) the Environmental Protection Agency reports that the most significant and widespread lake water quality problem is excess nutrients which promote algal blooms and increase aquatic vegetation;

(8) excessive nutrients can diminish recreational and economic values of lakes and lower dissolved oxygen which is needed to support fish and other aquatic life;

(9) other water pollution problems in lakes include high turbidity and siltation, excessive acidity associated with acid rain, patho-

gens in sewage discharges, pesticides, organic chemicals, and metals;

(10) sources of lake water quality problems include discharges of sewage and industrial pollutants, nonpoint sources of pollution associated with urban development and agricultural activities, and natural conditions such as mineral intrusion; and

(11) existing efforts to protect the quality of lakes and control sources of pollution in lakes are not adequate and these efforts need to be expanded and strengthened.

LAKE QUALITY RESEARCH

SEC. 3. Section 104(h) of the Federal Water Pollution Control Act (33 U.S.C. 1254(h)) is amended to read as follows—

"(h) LAKE RESEARCH.—(1) In carrying out the provisions of subsection (a), the Administrator shall conduct a comprehensive research program concerning the Nation's lakes.

"(2) The research program provided for in this subsection shall, at a minimum—

"(A) develop improved methods for the monitoring and assessment of lake conditions and water quality;

"(B) improve knowledge of lake processes, including watershed assessments and recycling of pollutants from sediments to water;

"(C) investigate the nature and extent of variation in pollutant effects on lakes as opposed to other aquatic systems and characterize the degree to which lakes may be especially vulnerable to pollution;

"(D) identify and assess methods and practices to control sources of pollution to lakes, including watershed management techniques and practices; and

"(E) assess the threat to lake quality posed by aquatic vegetation and develop and demonstrate methods to control excessive vegetation in lakes and prevent the distribution of nuisance aquatic vegetation throughout the country.

"(3) In carrying out this subsection, the Administrator may enter into contracts with, or make grants to, public or private agencies and organizations.

"(4) The Administrator shall appoint a Lake Research Advisory Committee to advise the Administrator on the design and implementation of the research program required by this subsection. The Committee shall be composed of not more than twelve members with substantial expertise and experience in lake research. Not more than three members of the Committee shall be employees of the Federal Government and not less than three members shall be employees of State environmental agencies. Committee members shall serve three year terms, except that the Administrator shall initially appoint four members to serve four year terms and four members to serve five year terms. Members may be reappointed to one additional term."

LAKE WATER QUALITY STANDARDS

SEC. 4. (a) LAKE DESIGNATIONS.—Section 314 of the Federal Water Pollution Control Act (33 USC 1324) is amended by adding at the end thereof the following:

"(e) LAKE USE DESIGNATIONS.—Within two years of the date of enactment of this subsection, each State shall designate the use of each publicly owned lake in such State consistent with the following uses—

"(1) public drinking water supply;

"(2) swimming and related body contact recreation; and

"(3) resource protection, to assure the protection and propagation of a balanced, indigenous population of fish and wildlife.".

(b) LAKE WATER QUALITY CRITERIA.—Section 304(a) of the Federal Water Pollution Control Act (33 USC 1314(a)) is amended by adding at the end thereof the following—

"(9) Within two years of the date of enactment of this paragraph and periodically thereafter, the Administrator shall publish pursuant to this subsection water quality criteria for the following and other water quality parameters including, at a minimum—

"(A) dissolved oxygen;

"(B) total phosphorus;

"(C) nitrogen;

"(D) chlorophyll *a*;

"(E) acidity; and

"(F) transparency.

Criteria documents published pursuant to this paragraph shall address the factors identified in paragraph (1) and shall identify numerical concentrations which, in the judgment of the Administrator, are appropriate to assure the maintenance and attainment of each use identified in section 314(e) of this Act.

"(10) Within two years from the date of enactment of this paragraph, the Administrator shall publish guidance to assist States in adoption of lake water quality standards for contaminants for which criteria documents have been published pursuant to this subsection. Such guidance shall supplement existing criteria where necessary to assure that States have adequate information to support adoption of numerical lake water quality standards for each such pollutant which will assure the attainment and maintenance of designated uses identified pursuant to subsection 314(e) of this Act.

"(11) After the date of enactment of this paragraph, any criteria document published pursuant to this subsection shall include such information as is appropriate to assist States in adoption of numerical lake water quality standards for each such pollutant which will assure the attainment and maintenance of the designated uses identified pursuant to subsection 314(e) of this Act.".

(c) LAKE WATER QUALITY STANDARDS.—Section 303 of the Federal Water Pollution Control Act (33 USC 1313) is amended by adding at the end thereof the following subsection:

"(i) LAKE WATER QUALITY STANDARDS.—(1) Each State shall, within two years of the date of publication of lake water quality criteria pursuant to paragraph 304(a) (9) and (11) or publication of lake water quality guidance pursuant to paragraph 304(a)(10), establish for each publicly owned lake in the State numerical standards for such water quality parameters which will assure the attainment and maintenance of designated uses identified pursuant to subsection 314(e) of the Act. The Administrator may waive the requirement to adopt a numerical standard for parameters listed pursuant to paragraph 304(a)(9) based on a showing that there is no impairment of lake water quality associated with such parameters in such State.

"(2) If a State fails to adopt lake water quality standards pursuant to paragraph (1) of this subsection, the Administrator shall, not later than the end of such two year period, establish standards for publicly owned lakes in such State which will assure the attainment and maintenance of designated uses established by the State or, in a case where a State has not designated lake uses, the uses which the Administrator, in consultation with the State, determines to be appropriate.".

LAKE WATER QUALITY PROGRAM SUPPORT

SEC. 5. (a) TECHNICAL REVISIONS.—(1) Subparagraphs (B), (C) and (D) of section 314(a)(1) of the Federal Water Pollution Control Act (33 USC 1324 (a)(1)) are repealed.

(2) Section 314(a)(3) of the Federal Water Pollution Control Act (33 USC 1324(a)(3)) is amended by striking all after "United States," and inserting in lieu thereof, a period.

(b) CLEAN LAKES PROGRAM SUPPORT.—Section 314(b) of the Federal Water Pollution Control Act (33 USC 1324 is amended to read as follows—

"(b) STATE CLEAN LAKES PROGRAM.—(1) States may submit to the Administrator an application for grant assistance to—

"(A) conduct projects to protect the quality of lakes through the State;

"(B) develop plans for control of pollution to a specific lake or group of lakes in the State;

"(C) implement plans developed pursuant to subparagraph (B).

"(2) Applications for grant assistance pursuant to subparagraph (A) shall be limited to statewide projects to improve public information and education concerning lake protection, to develop State or local requirements concerning lake protection including lake quality standards, and to develop lake assessment and monitoring information.

"(3) Applications for grant assistance pursuant to subparagraph (B) shall be limited to development of lake protection plans, including assessment of lake conditions, identification of pollution sources, and development of plans and programs for pollution control.

"(4) Grants pursuant to subparagraphs (A) and (B) shall be made on the condition that 25% of the program cost is provided from non-Federal sources. Grants pursuant to subparagraph (C) shall be made on the condition that 50% of the project cost is provided from non-Federal sources, provided that such contribution may be assessed beginning on the date of submittal of the application to the Administrator.

"(5)(A) In awarding grants pursuant to subparagraph (b)(1)(A) of this section, the Administrator shall give priority to proposals with the greatest potential to improve or protect lake water quality and to proposals which will support development of long-term sustained lake protection programs in a State.

"(B) In awarding grants pursuant to subparagraph (b)(1)(B) of this section and the Administrator shall give priority to—

"(i) lakes which are listed pursuant to subparagraph (a)(1)(B) of this section;

"(ii) lakes which are a source of public water supply; and

"(iii) projects which will develop an innovative pollution control method or practice with potential application to other lakes.

"(C) Grants pursuant to subparagraph (b)(1)(C) shall be limited to those lakes for which a control program has been developed pursuant to subparagraph (B).

"(6) A State which has not complied with the requirements of subsection (a) of this section for the most recent report period or section 303(i) of this Act shall not be eligible for grants pursuant to this subsection.

(c) AUTHORIZATION.—(1) Section 314(c) of the Federal Water Pollution Control Act (33 USC 1324(c)) is amended by striking paragraph (1) and striking "(2)" and inserting in lieu thereof "(1)".

(2) Section 314(c)(2) of the Federal Water Pollution Control Act (33 USC 1324(c)(2)) is amended by striking "and" following "1985,"; inserting after "1990" the following "and $50,000,000 for each of the fiscal years 1991 through 1996"; striking "subsection (b) of"; and striking the last sentence of the paragraph.

(3) Section 314(c) of the Federal Water Pollution Control Act (33 USC 1324(c)) is amended by adding at the end thereof the following—

"(2) For fiscal years 1991 through 1996, of the sums appropriated pursuant to this section, not more than 25% shall be reserved for grants pursuant to subparagraphs (b)(1) (A), (B), and (C) of this section and demonstration projects pursuant to subsection (d).

STATE REVOLVING LOAN FUND ELIGIBILITY

SEC. 6. (a) ELIGIBILITY.—(1) Section 601(a) of the Federal Water Pollution Control Act (33 USC 1381(a)) is amended by striking "and" following "section 319,"; by striking "." at the end thereof and inserting in lieu thereof the following ", and (4) for the implementation of lake protection programs and projects developed pursuant to section 314(b).".

(2) Section 603(c) of the Federal Water Pollution Control Act (33 USC 1383(c)) is amended by striking "and" following "section 319 of this Act,"; by striking "." at the end of the first sentence and inserting in lieu thereof the following ", and (4) for the implementation of lake protection programs and projects developed pursuant to section 314(b) of this Act.".

(b) TECHNICAL REVISION.—Amend section 606(c)(1) of the Federal Water Pollution Control Act (33 USC 1386(c)(1)) by adding "314," prior to "319".

DEMONSTRATION PROGRAM

SEC. 7. (a) PROGRAM REVISIONS.—Section 314(d)(1) of the Federal Water Pollution Control Act (33 USC 1324(d)(1)) is amended by inserting "and" at the end of subparagraph (C); striking ";" at the end of subparagraph (D) and inserting in lieu thereof "." and striking subparagraphs (E), (F) and (G).

(b) DEMONSTRATION PROJECTS.—Section 314(d)(2) of the Federal Water Pollution Control Act (33 USC 1324(d)(2)) is amended by inserting after "Sauk Lake, Minnesota;" the following "China Lake, Maine; Sebago Lake, Maine;".

(c) AUTHORIZATION.—Section 314(d) of the Federal Water Pollution Control Act (33 USC 1324(d)) is amended by striking paragraph (4).

NUTRIENT CONTROL INITIATIVE

SEC. 8. Title V of the Federal Water Pollution Control Act is amended by adding at the end thereof the following—

"NUTRIENT CONTROL

"SEC. 520(a) IN GENERAL.—The Administrator shall, within two years from the date of enactment of this section, issue regulations prohibiting the distribution for sale within the United States of detergents and related products containing phosphate.

"(b) REQUIREMENTS.—Regulations issued pursuant to this section shall, at a minimum—

"(1) establish a schedule for the phase-out of phosphate from detergents which is as expeditious as practicable, provided that such schedule requires, at a minimum, elimination of phosphate from detergents not later than five years from the date of enactment of this section;

"(2) establish limits on levels of chemical constituents in detergents which are adequate to assure that levels of any such constituents substituted for phosphate are not expected to prevent the attainment or maintenance of water quality standards;

"(3) allow for the sale and use of detergent products manufactured prior to the date of enactment of the section;

"(4) define the terms "detergent or related product", "containing phosphate", and "elimination of phosphate"; and

"(5) establish a process for the Administrator to provide an exemption to the requirements of this section for the manufacture of a specific quantity of detergent or related product to serve a commercial or industrial process for which no alternative to a detergent or a related product containing phosphate is available.

"(c) REPORT TO CONGRESS.—The Administrator shall provide a report to the Congress on the status of implementation of this section not later than three years from the date of enactment of this section.".

(b) CIVIL PENALTY.—Section 309(a)(3) of the Federal Water Pollution Control Act (33 USC 1319(a)(3)) is amended by striking "or 405" and inserting in lieu thereof "405, or 520".

AGRICULTURE PROGRAM COORDINATION

SEC. 9. (a) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Secretary of the Department of Agriculture shall work cooperatively to assure coordination of agriculture programs and lake protection programs.

(b) AGRICULTURAL CONSERVATION PROGRAM.—(1) Title 16 USC 590(g)(1) is amended by deleting "." at the end of the first sentence and inserting in lieu thereof the following—"; giving priority consideration to watersheds of lakes identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 USC 1324(a)(1)(B))."

(2) Title 16 USC 590(h)(b), paragraph 4, is amended by adding after subparagraph (D) the following—

"; giving priority consideration to watersheds of lakes identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 USC 1324(a)(1)(B).".

(c) AGRICULTURAL WATER QUALITY INCENTIVES PROGRAM.—Title 16 USC 3838(c)(a) is amended by striking "or" after (7); striking "." after paragraph (8); and inserting in lieu thereof the following—

"; or (9) areas of the watershed of a lake identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 USC 1324(a)(1)(B).".

(d) ENVIRONMENTAL EASEMENT PROGRAM.—Title 16 USC 3839(b)(1) is amended by striking "or" after subparagraph (B); striking "." after subparagraph (C); and inserting in lieu thereof the following—

"; or (D) is located within the watershed of a lake identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 USC 1324(a)(1)(B).".

(e) CONSERVATION RESERVE PROGRAM.—Title 16 USC 3831(f)(1) by adding at the end thereof the following new section—

"The Secretary shall designate watershed areas of lakes identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 USC 1324(a)(1)(B) as conservation priority areas.".

NUISANCE AQUATIC VEGETATION CONTROL

SEC. 10. (a) CONTROL PROGRAM.—Subtitle (C) of Title I of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 USC 4721 et. seq.) is amended by adding at the end thereof the following new section—

"SEC. 1210. EURASION MILFOIL CONTROL.—(1) The Task Force shall undertake a comprehensive, environmentally sound program, in coordination with regional, State and local entities, to prevent the dissemination of Eurasion Milfoil (Myriophyllum Spicatum) including:

"(A) research and development concerning the species, including environmental tolerances and impacts on water quality, fisheries, and other ecosystem components;

"(B) identification and assessment of mechanisms and means of limiting the dissemination of the species to areas not now infested;

"(C) development of plans and implementation of programs to prevent dissemination of the species; and

"(D) provision of technical assistance to regional, State, and local entities to carry out this section.

"(2) Within two years of the date of enactment of this section, the Task Force shall submit to the Congress a report describing the implementation of this section and making recommendations regarding and additional authorities or support necessary to control the dissemination of Eurasion Milfoil.".

(b) INJURIOUS SPECIES.—Subtitle C of title I of the Nonindigenous Aquatic Nuisance Prevention and Control Act is amended by inserting "(a) Zebra Mussel.—" following the title and adding at the end thereof the following new subsection—

"(b) EURASION MILFOIL.—In accordance with section 42 of Title 18 of the United States Code, the Secretary of Interior shall declare Eurasion Milfoil (Myriophyllum Spicatum) an injurious species.".

(c) AUTHORIZATION.—Section 1301(b) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 USC 4741) is amended by striking "and" at the end of paragraph (6) and inserting after paragraph (7) the following—

"(8) $1,000,000 for implementation of section 212 of this Act; and ";

and renumbering the remaining paragraph.

LAKES ASSESSMENT AND PROTECTION ACT OF 1991 —SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title and Table of Contents.—This Act may be cited as the "Lakes Assessment and Protection Act of 1991".

Sec. 2. Findings.—The Congress finds that the Nation's lakes are an important recreational and environmental resource and a vital source of public drinking water. Some 25 percent of lakes are impaired by pollution and existing programs to protect lake quality are not adequate.

Sec. 3. Lake Quality Research.—The Clean Water Act is amended to expand authority for research of lake quality issues. A Lake Research Advisory Committee is established to advise the Environmental Protection Agency on the development of lake research plans.

Sec. 4. Lake Water Quality Standards.—The Clean Water Act is amended to require States to designate uses of lakes within the State.

EPA is directed to develop water quality criteria documents for pollutants which are most common in lakes (i.e. total phosphorus, nitrogen, chlorophyll *a*, acidity, turbidity, and low dissolved oxygen).

States are to adopt enforceable, numerical water quality standards for lakes within two years of the date of publication of a criteria document. The EPA Administrator is directed to establish lake water quality standards if a State fails to do so.

Sec. 5. Lake Water Quality Program Support.—Section 314 of the Clean Water Act is amended to revise the existing grant assistance program for lakes. The revised grant program would allow States to submit grant proposals for both the implementation of statewide programs to protect lakes and to develop and implement protection plans for a specific lake or group of lakes.

Statewide lake protection projects may include projects to develop eduation, assess-

ment, or regulatory programs. Projects are funded at 75/25 Federal/State shares. Priority is given to projects which have the greatest potential to improve lake quality and foster the development of a sustained lake protection program in the State.

Lake protection plans are to assess lake conditions, identify pollution sources, and develop pollution control programs. Planning grants are available on a 75/25 Federal/State basis; implementation grants on a 50/50 basis. Priority is to be given to impaired lakes and lakes which are a source of drinking water and to projects which demonstrate innovative programs.

Existing authorizations for grant assistance and demonstration programs are revised and consolidated. The existing general grant authorization of $30 million per year and demonstration program authorization of $55 million are consolidated into a single authorization of $50 million. Of sums appropriated from the consolidated authorization 25% is to be reserved for statewide lake grants, for lake protection plan grants, for implementation of protection plans, and for implementation of demonstration projects.

Sec. 6. State Revolving Loan Fund Eligibility.—Title VI of the Clean Water Act is amended to specify that State revolving loan funds are eligible to support the implementation of lake protection plans developed with grant assistance under section 314 of the Act.

Sec. 7. Demonstration Program.—The clean lakes demonstration program is amended to clarify the scope of demonstration projects and to add to the list of priority lakes China Lake, Maine and Sebago Lake, Maine.

Sec. 8. Nutrient Control Initiative.—A new section 520 is added to the Clean Water Act directing the EPA Administrator to issue regulations prohibiting the manufacture and distribution for sale in the United States of detergents containing phosphates.

Regulations are to provide for a phase out of phosphate in detergents as soon as possible but in not less than five years, address potential substitution of chemicals for phosphates, allow sale of products manufactured prior to the date of enactment of the section, and provide authority for limited waivers of the prohibition. Violators of the sections are subject to civil penalties under the Clean Water Act.

Sec. 9. Agriculture Program Coordination.—Existing programs of the Department of Agriculture which provide assistance to farmers for implementation of practices to reduce water pollution are focused on watersheds of lakes identified by States as suffering water quality problems. These programs include the Agriculture Conservation Program, the Agriculture Water Quality Incentives Program, the Environmental Easement Program, and the Conservation Reserve Program.

Sec. 10. Nuisance Aquatic Vegetation Control.—The Nonindigenous Aquatic Nuisance Act is amended to direct the Federal Task Force established in the Act to conduct a comprehensive program to prevent the dissemination of Eurasion Millfoil. An authorization of $1 million per year is provided for the program.

Mr. JEFFORDS. Mr. President, I am pleased to be a cosponsor of Senator MITCHELL's Lake Assessment and Protection Act of 1991. I believe this bill represents an important step toward protecting the quality of our Nation's lakes. It's time we directed more of our efforts toward protecting the Nation's fresh waters.

While I believe there are a few areas of the bill in need of revision, I strongly support most of the provisions of the bill. For example, we need to target our limited Federal dollars toward those activities that will result in the greatest environmental benefit. Several aspects of the bill, I believe, will promote this direction of funds. The Lake Research Advisory Committee can serve as a link between the public, the scientific community, and EPA. Targeting our agricultural conservation funds to the watersheds most endangered is key provision of the bill.

Targeting of revolving loan funds could also be extremely useful in achieving the maximum benefit with limited available funds. In my home State of Vermont, many communities are grappling for ways to reduce the nutrient load to Lake Champlain. Use of revolving loan funds could assist in their endeavors. The statewide lake assistance projects could also help Vermonters protect their water resources. Thus, in short, I strongly support the overall goals of this bill.

There are, however, a few areas in which I have some concerns. The first concern is in the use designations allowed for lakes. Some manmade lakes are built specifically for runoff control from developments. After development of an area, these lakes are sometimes deeded to the public and thus could be subject to this bill. I do not believe, however, that it is the intent of this bill to control such lakes.

Second, I have some concerns about the criteria identified for promulgation of water quality criteria. The chemical and physical makeup of lakes typically vary both with depth and with season. Furthermore, the characteristics of lakes tend to vary significantly across the country irrespective of any manmade effects. Western, oligotrophic lakes typically have little algae or turbidity; whereas, Southern lakes often have both high algal concentrations and turbidity. Setting nationwide standards for lakes will have to recognize regional and seasonal differences in water quality. I am confident, however, that these issues can be addressed.

As we begin the reauthorization process for the Clean Water Act, I urge my colleagues to begin researching the water quality problems in their own States. The longer we delay in acting to protect our lakes, the more difficult and costly future cleanup efforts will be.

By Mr. MITCHELL (for himself and Mr. LAUTENBERG):

S. 1070. A bill to protect the coastal areas, and for other purposes; to the Committee on Environment and Public Works.

COASTAL PROTECTION ACT

Mr. MITCHELL. Mr. President, today I am reintroducing legislation to protect marine waters throughout the Nation.

I am very pleased that Senator LAUTENBERG is joining me in reintroducing this important bill. The bill includes important provisions originally introduced by Senator LAUTENBERG in separate legislation in the last Congress.

During the past two Congresses, we have held a series of hearings to document the serious pollution problems in coastal waters. We learned of a wide range of coastal pollution problems, including closed beaches throughout the Northeast, after the discovery of medical wastes, the existence of a large "dead zone" in the Gulf of Mexico, massive pollution problems in Boston Harbor and other estuaries, and sediment contaminated toxic materials, including heavy metals and pesticides.

A report by the Office of Technology Assessment summed up the coastal pollution problem, stating:

> In the absence of additional measures to protect marine and coastal waters, the next few decades will witness new or continued degradation in many estuaries and coastal waters around the country.

A representative of the National Oceanic and Atmospheric Administration [NOAA] testified before the Environment and Public Works Committee in July of 1989 saying:

> I want to emphasize that the extent of the coastal pollution problems is truly national and not limited to only a few specific coastal or estuarine areas. Solutions to the problem will require an approach that is national in scope and scale.

Basic demographic trends are likely to put continued stress on coastal waters. NOAA estimates that about half of the U.S. population—about 110 million people—now live in coastal areas. By the year 2010, coastal population is expected to increase to 127 million people, an increase of 60 percent over the 1960 population of 80 million.

Coastal pollution is especially serious given the outstanding importance and high value of these waters. Coastal areas serve essential ecological, economic, and recreational functions. The combined value of marine commercial and recreational fishing industries is over $12 billion annually.

The bill we are introducing today is based on similar legislation reported by the Environmental and Public Works Committee in the last Congress. It is intended to provide a direct and comprehensive response to well-documented pollution problems in coastal waters.

The bill amends the Clean Water Act and the Marine Protection Research and Sanctuaries Act to expand and strengthen programs for research and protection of marine waters.

Title I of the bill provides new authority for national monitoring of ma-

rine environmental trends and conditions. A number of recent studies make strong recommendations for strengthening marine monitoring and related programs.

The Congressional Office of Technology Assessment [OTA] suggests a range of actions to reverse the decline in coastal and marine water quality, including expanding and strengthening monitoring of the marine environment. The report states:

Monitoring, research, and enforcement are currently inadequate, and funding levels for these activities are being reduced in some instances.

There is also growing evidence that existing programs assessing the overall quality of the marine environment are seriously flawed. A March 1990 report by the National Research Council on the issue of marine monitoring concluded:

The present array of compliance monitoring programs, regional monitoring programs, and the National Oceanic and Atmospheric Administration National Status and Trends Program is inadequate to establish patterns and trends in the quality of the nation's coastal oceans and estuaries or to determine the effectiveness of environmental policies and programs.

The bill would establish a coordinated monitoring program for assessing marine environmental conditions and trends at the national level. Accurate information on marine environmental conditions is essential to planning of effective pollution control programs and evaluation of the effectiveness of such programs.

Title II of the bill amends the Clean Water Act to expand and strengthen coastal water pollution control programs.

Pollutant discharges to coastal waters are significant and will increase as population continues to concentrate along the coast. Major sources of coastal pollution include point source discharges from industrial facilities, discharges of sewage from publicly owned treatment works, overflows from combined storm and sanitary sewers, and nonpoint pollution from urban areas, construction sites, and agricultural lands.

Some 1,300 major industrial facilities discharge effluents directly to coastal waters. These discharges pose a significant pollution problem. OTA's report on coastal pollution concluded:

Large quantities of toxic pollutants are entering marine environments, particularly estuaries and coastal waters. Legal discharges of industrial effluents * * * often contain substantial amounts of toxic pollutants; indeed, in the aggregate, industrial discharges represent the largest source of toxic pollutants entering the marine environment.

A primary objective of this title is to identify degraded coastal waters and provide the EPA Administrator and States with special new authorities to reverse the decline in environmental quality of these waters.

This provision directs EPA to identify degraded waters, focus the existing National Estuary Program on these waters, and implement a range of new pollution control authorities, including tougher discharge permit authorities, expedited schedules for control of other sources of water pollution, tougher pretreatment standards, and stricter requirements for sewage discharge from vessels.

I hope that these new pollution control authorities will help protect vital coastal areas, such as Casco Bay in my home State of Maine.

Provisions of this title will improve controls over the discharge of toxic pollutants to coastal waters. EPA is to develop a strategy to use Toxic Release Inventory Data, developed under Superfund, in water programs, and implement tougher programs for pretreatment of industrial wastes discharged to wastewater treatment plants.

Another objective of title II of the bill is expansion of the number of enforceable water quality standards for marine waters and initiation of the process of developing criteria and enforceable standards for marine sediment quality. This new authority is expected to result in gradual but substantial improvements in point source discharge permits and corresponding decreases in pollutant discharges.

While the recreational and other values of the coast attract added population growth, this growth can contribute to the contamination and related environmental problems of coastal waters. Development and urbanization in coastal areas causes water pollution problems through runoff from city streets, construction sites, and agricultural lands. These "nonpoint" sources of pollution are a major cause of coastal water quality problems.

EPA confirmed the significant role of growth and development in coastal pollution in testimony before the Environment and Public Works Committee in 1989, when a representative of the Agency states:

The challenge before us is to protect and restore the environmental quality of our near coastal waters, living resources, and their habitats. Solutions to these problems become increasingly complex as their major causes are land based, and primarily due to the population growth and development occurring in our coastal zone.

A final major objective of this title is to improve controls over nonpoint sources of pollution to coastal waters. New authorities would insure coordination between State water quality standards programs and the Federal Flood Insurance Program, expand education programs for the management of coastal land, and link the agricultural conservation reserve program with coastal water quality programs.

Title III of the reported bill amends the Marine Protection, Research, and Sanctuaries Act to better address the dumping of dredged material, with special attention to dumping of contaminated dredged material.

There is growing evidence that sediments underlying marine waters contain contaminants at levels which pose a threat to the quality of the aquatic environment and to human health. The National Research Council issued a report in October 1989 which concluded:

Contamination of marine sediment poses a potential threat to marine resources and human health (through seafood consumption) at numerous sites around the country * * * improving the Nation's capability to assess, manage, and remediate these contaminated sediments is critical to the health of the marine environment.

NOAA has published the results of a national program to monitor toxic chemicals at 50 coastal and estuarine sites from Maine to Alaska. The report states:

A number of sites revealed relatively high levels of toxic contaminants in both bottom sediments and bottom dwelling fish. For example, sediment concentrations of toxic trace metals, aromatic hydrocarbons, DDT's, PCBs, and sewage derived materials from northeastern Atlantic coast sites in Boston Harbor, Salem Harbor, and Raritan Bay are among the highest values measured nationally.

The title includes a provision, originally developed by Senator MOYNIHAN, calling for a national survey of contaminated sediment. This study will provide vital information about the location and extent of sediment contamination throughout the country.

A major objective of title III of the bill is to improve management of ocean dumping of all dredge material. The authority of States to set sediment quality standards more stringent than the Federal Government in State waters is assured; new requirements for development of management plans for dump sites are established; and tougher penalties for violations of the act are provided.

Many Americans were shocked over the past several summers to find beaches closed and coastal waters contaminated. It is essential that we develop a comprehensive program to protect coastal environmental quality. This legislation is a significant step in that direction. I urge each of my colleagues to give this important bill their full support.

Mr. LAUTENBERG. Mr. President, I'm pleased to join Senator MITCHELL in reintroducing the Coastal Protection Act. This bill is very similar to S. 1178 from the 101st Congress which Senator MITCHELL and I introduced and which was approved by the Senate Environment Committee. It incorporates the provisions of S. 1179, the Comprehensive Ocean Assessment and Strategy Act or COAST, which I introduced in 1989.

The Coastal Protection Act contains a comprehensive approach for address-

ing coastal pollution. It is based on hearings held jointly in 1989 by the Subcommittee on Superfund, Ocean and Water Protection which I chair and the Subcommittee on Environmental Protection.

Mr. President, recent reports should dispel any doubts about the threats that pollution poses to our coastal waters. EPA's 1988 National Water Quality Inventory showed that over 7,500 square miles of the Nation's estuarine waters are not achieving water quality standards. In New Jersey, over half of the square miles of estuarine waters which have been assessed are failing to meet water quality standards.

And, in its 20th annual report, the Council on Environmental Quality reviewed the progress the Nation has made in addressing environmental problems since 1970. In contrast to the progress cited in numerous areas, the Council concluded:

> If on the other hand, the viability of . . . estuarine ecosystems is used to measure environmental progress, the nation's track record over the past two decades is less impressive.

These findings are not surprising. Our marine waters, from the landward limits of our estuaries to our oceans, have a substantial and direct importance to the American people. The resources in these waters support commercial and recreational fishing, tourism, recreation, and related opportunities. They result in annual expenditures of tens of billions of dollars and unquantifiable enjoyment for our citizens. New Jersey's coastal tourist industry alone generates $8 billion per year. The marine environment also performs important ecological functions by providing important habitat, nursery grounds and food sources for a great diversity of plants, and fish, bird and other animal species.

Yet, it is clear that these resources are at risk. The events of the past few years have made clear that we are using our coastal waters as a garbage can. We see it in dolphins dying mysteriously in the Atlantic and harbor seals in the Gulf of Maine with the highest pesticide levels of any U.S. mammal on land or in water. We see it in sea turtles and sea birds who have died from entanglement with or eating plastic debris in the ocean. We see it in diseased fish, fish which are too toxic to eat, massive fish kills and closed shellfish beds. And we see it in garbage and medical waste invading our shores, closing our beaches, ruining vacations, injuring our tourist economy, and threatening our health.

The Office of Technology Assessment, in a 1987 report, concluded that the overall health of our coastal waters is "declining or threatened," and that "in the absence of additional measures, new or continued degradation will occur in many estuaries and some coastal waters around the country." OTA also determined that contamination of the marine environment has a wide range of adverse effects on birds and mammals, finfish and shellfish, aquatic vegetation and benthic organizations. Finally, OTA concluded existing programs, even if fully implemented, are not adequate to maintain and improve our coastal waters.

Combined sewer overflows [CSO's] present a particular threat to marine waters. These overflows occur in systems where sanitary and storm sewers are combined and storm water from rainfall overwhelm the sewage system. The overflows contain floatables, raw sewage, nonpoint pollution, and industrial toxic pollutants.

Combined sewer overflows are responsible for closing shellfish beds in many areas. According to NOAA, combined sewer overflows contribute to the closing of 97 percent of the shellfish beds in the Hudson/Raritan estuary. That's 159,000 acres of shellfish beds. And every report on floatables in the New York-New Jersey area identifies CSO's as a major source of floatables in the area.

Over the last 20 years, we have implemented a program to control all point source of water pollutants. Yet, at the same time, CSO's have remained largely unregulated and have undercut our control efforts whenever it rains.

The Congress has taken a number of important actions to deal with coastal pollution:

We stopped all dumping of industrial waste and closed the old 12-mile sludge dumpsite, and we're on the road to ending all ocean dumping of sewage sludge.

We overrode a veto of the Clean Water Act which provides funding for sewage treatment facilities, establishes a nonpoint source pollution program, strengthens the act's enforcement mechanisms, requires EPA and the States to address toxic hot spots and requires EPA to establish a permit system to regulate storm water discharges.

We rejected attempts to sharply cut sewage treatment funds and we're providing the funding for these facilities, and to correct combined sewer overflows.

We prohibited the dumping of plastics and other garbage in the water, required garbage barge operations to take actions to keep garbage out of the water, and forced the Corps of Engineers to collect floating debris in New York Harbor to keep garbage off east coast beaches.

We established a comprehensive marine research program.

And we established a demonstration program to track medical wastes and instituted tough penalties to prevent our beaches from being invaded by this disgusting material.

But the message from OTA, EPA, and CEQ is clear. New measures are necessary if we are to restore the health of our coastal waters. The Coastal Protection Act contains those measures.

It establishes a Comprehensive Marine Monitoring Program and includes new efforts authored by Senator MITCHELL for disposal of dredged materials. It also includes programs from Senator MITCHELL'S original coastal pollution bill, S. 1178, and my COAST bill to reduce marine pollution.

The Coastal Protection Act contains the following provisions which are found in my COAST legislation.

EPA would establish a Floatables Monitoring Program, monitoring protocols for marine pollution, a Marine Pollution Information Dissemination Program, and a program to monitor the effects of atmospheric deposition on the marine environment—section 101;

EPA would use the section 313 toxics release inventory to prepare an assessment of sources and geographical areas of marine toxics and a strategy to use this information to improve its existing water programs—section 201;

EPA would be required to designate marine waters needing priority attention. Areas designated would have to implement a number of requirements aimed at reducing pollution levels including the control of storm water runoff—section 203;

EPA and the States would be required to strengthen pretreatment programs in areas designated by EPA as needing priority attention—section 204;

EPA would be required to assist the Secretary of Agriculture in reducing agricultural runoff into coastal waters—section 205(c);

EPA would submit a plan to expeditiously establish and revise marine water, sediment and living marine resource biological quality criteria which the States will use to establish State standards. These standards are used to establish limits on discharges into coastal waters—section 207;

EPA would be authorized to apply the existing provisions in the Clean Water Act requiring that ocean dischargers show that the discharge will not degrade the ocean to dischargers into estuaries and harbors. These new requirements would have to be applied in areas designated by EPA as needing additional protection—section 208(a);

EPA would be required to consider whether a facility discharging into coastal waters has demonstrated a need to discharge based on whether the facility has implemented pollution prevention measures, before determining whether to issue a permit to discharge pollutants into coastal waters—section 208(c);

Criminal penalties for violations of the Ocean Dumping Act would be increased—section 306;

EPA and NOAA would conduct a study of Federal agency programs which may affect the marine environ-

ment. Federal agencies would be required to consider alternatives to avoid adverse affects to the marine environment—section 402; and

EPA and NOAA would have to conduct studies of the economic losses caused by coastal pollution, and the causes of algal blooms in ocean waters—section 403.

The Coastal Protection Act we are introducing today has a few changes from the bill the Environment Committee reported last year. Since some provisions of S. 1178 were enacted as part of other legislation, the bill we are introducing today deletes these provisions. The bill also excluded provisions relating to the control of combined sewer overflow discharges and funding for the control of such discharges because they are being included in the Clean Water Act amendments which I am joining in introducing today.

The Coastal Protection Act will move us another step closer to ensuring that our coastal waters provide their full range of recreational and ecological functions.

I urge my colleagues to support this legislation.

By Mr. DECONCINI:

S. 1071. A bill to amend the Immigration Act of 1990 to extend for 4 months the application deadline for special temporary protected status for Salvadorans; to the Committee on the Judiciary.

EXTENSION OF SALVADORAN REGISTRATION

• Mr. DECONCINI. Mr. President, I am introducing legislation today to extend the registration period for the Salvadoran Temporary Protected Status [TPS] Program. Congressman MOAKLEY has introduced an identical bill in the House to extend for 4 months, from June 30, 1991, until October 31, 1991, the application deadline for special TPS for Salvadorans.

Last year, Congressman MOAKLEY and I worked very hard to include a provision in the Immigration Act of 1990 (Public Law 101-649) that provides temporary legal status and work authorization to Salvadoran nationals who have been the innocent victims of war, random violence, and civil strife in their homeland for over a decade. By enacting TPS legislation, the United States has made a humanitarian commitment to protect Salvadoran nationals who have sought refuge in this country. Unfortunately, however, less than 15 percent of the estimated 500,000 eligible Salvadorans have registered for TPS benefits and there are only 6 weeks remaining in the registration period.

When the INS published their interim regulations for TPS in the Federal Register on January 7, 1991, they included an exorbitant fee structure of $330 for an individual and $1,435 for a family of five. Since Congress intended the cost of registration and obtaining work permission to be reasonable, Congressman MOAKLEY and I met with INS Commissioner Gene McNary, on February 5, to discuss our concerns about the extremely high fees for TPS applicants. We were informed at that time that the fees would be lowered substantially in the final regulations. To date, however, the final regulations have not been issued. This bureaucratic delay causes confusion and uncertainty for Salvadorans who must register for TPS by June 30, 1991, or lose their rights to temporary safe haven.

To compensate for the delay in issuing final regulations, I am introducing this 4-month registration extension bill to ensure that all Salvadorans who are eligible and wish to apply for TPS benefits are able to do so. This extension is certainly justified, particularly since the regulation change of lowered fees is crucial to the decision of whether or not Salvadorans would apply for their right to TPS benefits.

Mr. President, I respectfully request that the text of two letters to INS Commissioner McNary, which further describe my views about the implementation of TPS benefits, and the text of my bill, 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. 1071

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

SECTION 1. 4-MONTH EXTENSION OF APPLICATION DEADLINE FOR SPECIAL TEMPORARY PROTECTED STATUS FOR SALVADORANS.

Section 302(b)(1)(C) of the Immigration Act of 1990 is amended by striking "June 30, 1991" and inserting "October 31, 1991".

COMMITTEE ON THE JUDICIARY,
Washington, DC, December 21, 1990.

Hon. GENE MCNARY,
Commissioner, Immigration and Naturalization Service, Washington, DC.

DEAR COMMISSIONER MCNARY: As you know, I have worked diligently for years to enact legislation to protect Salvadoran nationals who have fled violence and civil strife in their homeland. I am pleased, therefore, that Congressman Moakley and I were finally successful in our efforts by including "Special Temporary Protected Status for Salvadorans" in the Immigration Act of 1990, Public Law 101-649.

I am writing today regarding the implementation of Temporary Protected Status (TPS) benefits for Salvadorans. As a sponsor of this legislation, I want to be sure that the regulations that you are currently drafting reflect the intent of Congress.

Registration for TPS benefits was intended to be a simple, efficient, one step process in which the registrants receive work authorization at the time of registration. In addition, the cost of registration and obtaining work permission was intended to be reasonable. The term "reasonable fee" for Salvadorans was intended to be in line with Section 244A of the Immigration and Naturalization Act which "shall not exceed $50." I would like to stress that it is my hope that the fee will be less than $50 and that a family cap is implemented. We in Congress clearly intended the fee to be as low as possible so that all TPS registrants who are eligible and wish to apply are able to do so. This is a benefit granted to Salvadorans who are in need of protection. Therefore, every effort should be made to encourage, rather than discourage, the registration of all qualified Salvadorans.

In the same spirit, the information registrants provide should be strictly confidential. Again, it is important to send the right signal to eligible Salvadorans, making it clear that it was Congress' intent that this be a benefit program, not an enforcement program, designed to encourage Salvadorans who have fled their country to come forward and register with the Immigration and Naturalization Service (INS). If such confidentiality provisions are not created, eligible Salvadorans will not apply for fear that the information provided will jeopardize them or others. This is clearly an outcome which directly conflicts with the congressional intent of the statute.

Furthermore, I encourage you to carry the burden of providing translators for those registrants who need them. Many registrants will be able to provide their own translators, and I am sure they will do so when possible. However, if registrants do not speak English or have someone who can translate for them, it would be unfair to deny them their entitled benefits.

I trust that the INS will do everything in its power to make the TPS registration process efficient, simple and accessible to all those who qualify. Let me also take this opportunity to commend you for your continuing efforts to fairly implement our immigration laws and policies. We are a great country because of the strengths and assets of those who have come to our shores.

Thank you for your cooperation regarding this issue of particular concern to me. I look forward to discussing these procedures with you after the first of the year. In the meantime, I wish you and your family a happy holiday season. The same good wishes are also extended to your employees.

Sincerely,

DENNIS DECONCINI,
U.S. Senator.

COMMITTEE ON THE JUDICIARY,
Washington, DC, February 6, 1991.

Hon. GENE MCNARY,
Commissioner, Immigration and Naturalization Service, Washington, DC.

DEAR COMMISSIONER MCNARY: We appreciate your taking the time out of your busy schedule to meet with us yesterday regarding our concerns about the interim regulations for temporary protected status (TPS) benefits for Salvadoran war refugees.

As sponsors of this humanitarian legislation, we intended the registration process to be as simple and as inexpensive as possible to encourage, rather than deter, all qualified Salvadorans to register for TPS benefits. Although we expected the fee for registration and obtaining work permission to be no more than $50, we are mindful of your efforts to reevaluate your original proposed fees which we and many others thought were extremely high. In particular, we are pleased that there is no $75.00 re-registration fee and that families will have to pay the initial $75 registration fee for only the first three members.

We also appreciate your assurances that the information Salvadorans provide in their registration forms will be kept confidential and used to grant or deny TPS. We trust that to ensure uniformity all INS employees in-

volved in this program will be notified that the processing of applications is confidential. Since this is not an enforcement program, confidentiality is important so that eligible Salvadorans will not be afraid to apply for fear that the information provided will jeopardize them or others.

Again, thank you for addressing our concerns. We look forward to receiving the response to our request for a cost analysis of the TPS program. We also commend you for implementing this program in such a short time frame.

Sincerely,

DENNIS DECONCINI,
Senator.
JOHN JOSEPH MOAKLEY,
Representative.●

By Mr. LAUTENBERG (for himself, Mr. CHAFEE, Mr. METZENBAUM, Mr. LIEBERMAN, Mr. EXON, Mr. ADAMS, Mr. SIMON, Mr. BRADLEY, and Mr. DIXON):

S. 1072. A bill to amend title 23, United States Code, with respect to gross vehicle weights on the National System of Interstate and Defense Highways, and for other purposes; to the Committee on Environment and Public Works.

GROSS VEHICLE WEIGHT RESTRICTIONS ON THE INTERSTATE HIGHWAY SYSTEM

● Mr. LAUTENBERG. Mr. President, today I am introducing legislation to halt the spread of the biggest trucks on our highways, longer combination vehicles.

I am pleased to be joined in introducing this bill by Senators CHAFEE, METZENBAUM, LIEBERMAN, EXON, ADAMS, SIMON, BRADLEY, and DIXON.

LCV's are combination trucks such as those with triple 28-foot trailers; twin 48-foot trailers; or "Rocky Mountain doubles," which typically consist of one 48-foot trailer in tandem with one 28-foot trailer.

They can be as long as 120 feet long, and weigh 70 tons. Anyone who's ever been behind one on the road knows how intimidating they can be. Overwhelmingly, the public doesn't want to share the road with these big rigs. National polls have found that over three-quarters of the American people oppose any more use of LCV's.

The safety record on LCV's makes it clear why their use should not be expanded. In those States where they are used, the rate of trailer separation for triples is almost five times higher than for single trailer units. The same is true with regard to jackknifing.

The American Automobile Association Foundation surveyed truck drivers, who agree that safety is sacrificed. Eighty-four percent say that triples are less safe than single trailer trucks, and 82 percent say that the large doubles are less safe. The International Brotherhood of Teamsters, representing drivers around the country, have testified in opposition to any expansion of LCV's.

Stopping the spread of LCV's is also a question of protecting the Federal investment in our national network of roads, bridges, and tunnels. The Federal Highway Administration estimates that it could cost over $4 billion annualy just to maintain the Interstate system as it is. However, it is estimated that LCV's pay far less in gas taxes and other user fees than the actual costs they impose on the system in wear and tear. Sixty percent or more of the costs of LCV's are borne by other users. At a time when we face such staggering infrastructure costs, allowing greater use of these trucks cannot be justified.

The bill would not impact any State currently allowing LCV's. If they were in lawful use in a State as of January 1, 1991, they would be allowed to continue, subject to whatever restrictions existed at the time. Currently, subject to various restrictions, 15 States allow triples, 17 allow twin 48's, and 20 allow Rocky Mountain doubles, according to the American Trucking Association.

The bill would require the Department of Transportation to compile a list of those States meeting the criteria I just outlined. No use of LCV's, beyond the very specific situations included on the DOT list, would be allowed in the future. That means that if your State doesn't have LCV's now, it won't have them in the future. And the responsibility for enforcing this would lie with the USDOT.

The bill retains the right of a State currently allowing LCV's to restrict or eliminate that use in the future.

Mr. President, I'd like to explain in more detail why this bill makes sense. First and foremost, it's a question of safety. In general, trucks have higher accident and fatality rates than passenger vehicles. Combination trucks, in turn, have higher rates than noncombination trucks. According to testimony presented to the Environmental and Public Works Committee this week, in a crash between a passenger car and a heavy truck, the driver of the car is 38 times more likely to be killed than the truck driver.

A review of highway fatality information, from the DOT's fatal accident reporting system and the University of Michigan's "Trucks Involved in Fatal Accidents" [TIFA] data base, shows that LCV accidents are happening, and that fatalities are resulting. Compiling this information, we see that at least 71 people died in LCV accidents between 1980 and 1987. The accident rates for triples and the long doubles are greater than for shorter doubles and single trailers.

Studies have been done to look at different States' experiences with LCV's. Let me cite a few of the findings: In Oregon, from 1985–90, the rate of trailer separation in accidents was almost 5 times higher for triples than for single trailers; in Washington State, the rate of separation for doubles was 25 times higher than for singles; and, again in Oregon, doubles jacknifed more than twice as often as singles, and triples jacknifed 5 times as often.

The University of Michigan Transportation Research Institute, one of our leading research facilities, has found that the crack-the-whip effect—the sway of the rear trailer—is 3.5 times greater for triples than for singles. Also graphically demonstrated in a film, prepared by the California transportation department, CalTrans, the third trailer can routinely sway several feet, a hazardous situation in traffic.

I'd like to cite for my colleagues a passage from a document entitled "On Guard: The Hazards of Operating Multiple Trailers," published by the DOT's Office of Motor Carriers in March of 1991. It says:

> Small tractor steering movements or braking applications, particularly in a lane change, are magnified by a second trailer and can reach uncontrollable levels, producing considerable yawing and subsequent rollover.

That same DOT document also stated that:

> The chances of rollover of the rear trailer unit rolling over during a sharp turn vary with the combination trailer unit configuration. The last trailer of a triple with 27-foot trailers is 3.5 times more apt to roll over in a sharp turn than a 5-axle tractor semi-trailer with a 45-foot trailer.

Mr. President, when we see information such as this, it's hard to imagine why anyone would want to introduce these vehicles more widely into the mix of traffic on our roads.

Another serious area of concern is the wear and tear on the infrastructure of our highway system. Roads and bridges were not designed to handle trucks the size of these LCV's. The California transportation department, CalTrans, conducted some field tests of LCV's, and prepared a film on it. I highly recommend that film to anyone who's trying to get a sense of the types of trucks we're talking about.

The CalTrans film showed that LCV's often cannot stay within the curbs on ramps, stay in their lanes while turning, and cannot easily enter and exit driveways off of major roads.

In 1985, the Secretary of Transportation submitted a report to the Congress on the feasiblity of a national network of LCV's. In that report, the Secretary stated that:

> Most interchanges on the Interstate system cannot safely accommodate LCV's—even the most maneuverable Triples. In addition, if the longer combinations were to travel on the arterial highway system in most parts of the country, they would have significant problems making turns without hitting objects beside the road and severely disrupting traffic flow.

It's been estimated that no more than 25 percent of the existing Interstate ramps are capable of safely handling LCV's. Their additional weight, along with riding over curbs, will in-

crease the costs of maintaining highways and bridges.

Proponents of wider use of LCV's cite as a reason for allowing State-by-State permitting of LCV's the productivity gains the industry would reap.

But I have to ask, at what price are those gains being made? And, who's paying that price?

The gas tax is a user fee. But, there are estimates that LCV's pay far less in user fees than the cost that they impose on the system. It could be 40 percent or lower. That means that others paying gas taxes—average drivers—are footing the bill. That's not right.

Mr. President, even the trucking industry isn't unanimous in its desire to use LCV's. One survey, cited in an April 8, 1991, Journal of Commerce report, of trucking companies showed that: 73 of the companies oppose a size increase, only 23 support it; 63 oppose a weight increase, only 26 support it; 39 want States to be able to set higher size and weights limits than the Federal Government, while 43 do not.

Additionally, I've heard from the Owner-Operator Independent Drivers that they don't want any more LCV's in use. A group of small to mid-sized trucking companies, calling themselves the Survival Coalition, have banded together to fight the use of the big rigs. And, as we heard from the International Brotherhood of Teamsters at our committee hearing yesterday, truck drivers don't think they're safe, and don't want to drive them.

This legislation is supported by a wide range of highway safety and other organizations, including: Citizens for Reliable and Safe Highways [CRASH]; the Owner Operator Independent Drivers Association; the National Grange; and the American Automobile Association, the world's largest motoring and travel organization, with more than 31 million members.

I urge my colleagues to support this bill.

I ask unanimous consent that the text of my legislation be included in the RECORD.

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

S. 1072

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

(a) The fourth sentence of subsection 127(a) of title 23 is amended by adding after "thereof" the following: ", other than vehicles or combinations subject to subsection (d) of this section,"

(b) GROSS VEHICLE WEIGHT.—Section 127 of title 23 is amended by adding a new subsection (d), to read as follows: "(d)(1) Longer combination vehicles may continue to operate if and only if the Secretary of Transportation determines that they were authorized by State statute or regulation conforming to this section and in actual, continuing lawful operation on January 1, 1991, or pursuant to section 335 of Public Law 101-516. All such operations shall continue to be subject to, at the minimum, all State statutes, regulations, limitations and conditions, including, but not limited to routing-specific designations and other operating restrictions, in force on January 1, 1991. Nothing in this subsection shall prevent any State from further restricting in any manner or prohibiting the operation of longer combination vehicles otherwise authorized under this subsection.

(2) Within sixty days of the date of enactment of this Act, the Secretary shall publish in the Federal Register a complete list of those State statutes and regulations and of all limitations and conditions, including, but not limited to routing-specific designations and other operating restrictions, governing the operation of longer combination vehicles otherwise prohibited under this subsection. No statute or regulation shall be included on the list published by the Secretary merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of longer combination vehicles, not in actual, continuing operation on January 1, 1991. The list shall become final within a further 60 days after publication in the Federal Register. Longer combination vehicles may not operate on the National System of Interstate and Defense Highways except as provided in the list.

(3) For purposes of this section, a longer combination vehicle is any combination of a truck tractor and one or more trailers or semitrailers which operate on the National System of Interstate and Defense Highways at a gross vehicle weight greater than 80,000 pounds, except those vehicles and loads which cannot easily be dismantled or divided, pursuant to this section.●

● Mr. CHAFEE. Mr. President, I am pleased to be a cosponsor of legislation introduced today by my distinguished colleague, Senator LAUTENBERG.

We need to stop the ad hoc increase in truck size and weight in this country. The bill we are introducing today asks the Federal Highway Administration to work with the States in sorting out the so-called grandfather rights that now exist with regard to truck axle weights and gross vehicle weights, and freeze things where they were as of January 1, 1991.

The driving population in this country is aging. An American Automobile Association [AAA] study cited fear of large trucks as older people's major concern in driving on the Interstate highways.

Ask those who must drive these bigger trucks what they think about them. In the AAA study, 4 out of 5 drivers questioned said they do not want to drive the bigger trucks. The Environment and Public Works Committee received testimony from the International Brotherhood of Teamsters at a hearing on May 13. This is what they said about big trucks:

The executives in the trucking industry propose to operate longer, heavier trucks with more articulation points. They propose to do this on more crowded roads. They propose to do this with the same braking systems that most safety experts know need improvement even for today's trucks. This adds up to an increasingly unsafe situation. We urge you to prevent this from happening. Do not allow the expanded use of these longer combination vehicles beyond those states where they now operate.

Resources for fixing our infrastructure are limited. Many of the existing Interstate interchanges cannot accommodate the bigger trucks, let alone the non-Interstate roads which are not designed to such high standards.

There are other safety concerns about big trucks which must be addressed before they get bigger. These include, for example: First, many trucks exceed the speed limit and use radar detectors; second, many drivers have hours of service violations; and third, trucks need improved braking systems.

The biggest, heaviest trucks now operate in very controlled environments on very few roads. If they are used widely, however, it will be impossible to contain them. They will be everywhere, including many roads, streets, and bridges that cannot handle these vehicles.

The trucking industry claims the bigger trucks have a good safety record. While uniform, national, reliable data is very hard to find, clearly their current relatively safe record thus far is due to two factors: restrictions imposed by the State permitting process, and the operating practices and driver training programs of those companies using them. In other words, the bigger trucks have operated under the best conditions—on the safest roads, with the most qualified drivers, under the best weather conditions, and during only certain hours of the day.

Finally, the American Association of State Highway and Transportation Officials [AASHTO] has asked that no changes be made at this time which could result in the U.S. Department of Transportation or any State increasing allowable weight limits and sizes for trucks on the Interstate System.

Mr. President, an unintended use of a provision included in the 1982 highway bill has resulted in some States interpreting their grandfather rights to continually increase size and weight laws far above what was allowed at the time the grandfather right was originally claimed. The intent of the 1982 provision was only to settle long-term disputes in several States on a one-time basis, not provide the authority to increase truck size and weight in perpetuity. This legislation will close this unintended loophole.

Mr. President, I hope our colleagues will join us in supporting this bill.●

By Mr. DODD:

S. 1073. A bill to amend the Social Security Act to provide for the creation and operation of the Children's Investment Trust, and for other purposes; to the Committee on Finance.

CHILDREN'S INVESTMENT TRUST ACT

● Mr. DODD. Mr. President, I rise today to introduce the Children's Investment Trust Act of 1991. This legis-

lation would establish a perpetual and sustainable source of new Federal funds, tied to strict measures of evaluation and accountability, for vital services to the children, youth, and families of our Nation.

Across the political and social spectrums, liberals and conservatives, business people and politicians alike have come to recognize the direct relationship between early intervention programs and later performance in school and in the labor force. We now understand that to make our Nation productive tomorrow, we must invest in the future of our children and their families today.

But there remains a tremendous gap between our knowledge of what works and our commitment to what's right. We all talk a great game. But when it comes to the budget and appropriations process, the children and families of this Nation are second-class citizens. We found the money to bail out the savings and loans. But when it comes to our own children—the poorest and most vulnerable people in our society—the silence is deafening; the inaction disgraceful. If this Nation were a baseball team, the children of America would be our farm system, and we would be headed for the cellar in the league of industrialized nations.

Between 1980 and 1990, the portion of the Federal budget devoted to children's programs declined by 15 percent. Funding for these programs during this decade grew at only one-fourth the rate of the Federal budget as a whole. This defies common sense. We know what works. And we have proven time and time again that early investment in the health and education of our children will save many times the short-term costs over the long run.

Head Start saves $5 for every $1 we invest. Yet we now serve only one-third of those eligible for the program. Chapter I saves almost $7 for every $1 we devote to the program. But only half of those who need remedial help receive chapter I services. Every $1 we invest in immunizations saves $10 in future medical costs. Yet only 70 percent of American 2-year-olds are immunized for preventable diseases. The list goes on and on, and in each case, we are cutting off our nose to spite our face.

The time has come for fresh ideas and sweeping change. We must turn the rhetoric of early intervention into the reality of strategic investment; to translate all the speeches and ambitious legislative blueprints into actual dollars for the key programs which we know work well. The current system is not working. That is why I am introducing the Children's Investment Trust Act of 1991.

The Children's Investment Trust would be established within the U.S. Treasury to fund important Federal programs for children, youth, and families. Priority would be given to proven, cost-effective programs such as Head Start, WIC, and chapter I. CIT funds could also be used for tax credits and refundable tax credits which directly benefit families with childen. A portion of the trust would be set-aside each year for entitlement grants to States for the expansion and integration of children's and family services. Finally, rigorous planning and evaluation requirements would be established to ensure the effective and efficient use of CIT funds. Herein lies a specific trade—we provide new funds for effective programs but agree to change or terminate those which just do not work.

Part of the trust would be funded by existing appropriations and part by a new revenue source earmarked for the children's trust. This revenue source, which the tax-writing committees would develop as the bill moves through the Congress, can and should be designed without costing working families one red cent. If I had my choice, I would like to see us implement the Moynihan-Kasten payroll tax cut plan, while reserving one-third of the proceeds for the Children's Trust. Now used for general operating costs, this Social Security surplus would be much better spent investing in our children. Over the long-term, this investment would more than pay for itself through an increase in Social Security contributions as today's at-risk children become productive workers in the future. The earmarked Children's Trust revenue could also be derived from an increase in the maximum corporate tax rate, a surtax on those with very high incomes, restrictions on deductions for business meals and entertainment, or an increase in the Federal excise tax for cigarettes and alcohol.

Whatever the source, new taxes are never popular. But I believe America is ready to succeed where our political system has failed. I believe America is ready to invest greater resources in its human potential if taxpayers know how and where their money is being spent. They know that failure in our children is something that we truly cannot afford.

Some in Washington would say the Children's Investment Trust is a revolutionary idea. That tells me I'm on the right track. Desperate problems often call for revolutionary solutions. They said in 1930 that the Social Security Act of 1935 would never pass. There were 20 votes in the Senate in 1962 for what became the Medicare Act of 1965. The children of this Nation are our most precious resource, and we simply cannot afford to neglect them any longer.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

THE CHILDREN'S INVESTMENT TRUST (CIT)—EXECUTIVE SUMMARY

The Children's Investment Trust would be established within the U.S. Treasury to fund important federal programs for children, youth and families. Priority would be given to proven, cost-effective programs such as Head Start, WIC, and Chapter I. CIT funds could also be used for tax credits and refundable tax credits which directly benefit families with children. A portion of the Trust would be set-aside each year for entitlement grants to states for the expansion and integration of children's and family services at the state and local levels. Finally, rigorous planning and evaluation requirements would be established to ensure the effective and efficient use of CIT funds.

CIT would consist of funds from three principal sources: a mandated general fund appropriation (equal to FY 1991 appropriations for all federal children's, youth and family programs, adjusted annually for inflation); earmarked revenue from a new Children's Investment Trust Tax; and income derived from investments of Trust funds. As the Managing Trustee for CIT, the Secretary of the Treasury would oversee Trust investments and make disbursements from the Trust each year pursuant to Congressional Appropriations Acts.

Congress would appropriate Trust funds in the same manner in which appropriations are currently made. Each year, the Concurrent Budget Resolution would include an estimate of Trust funds available for that fiscal year as well as proposed division of these funds between entitlement and discretionary programs. Trust funds devoted to entitlement programs or tax credits could be used only for net improvements in benefits or coverage, and not for cost-of-living-adjustments or uncontrollable costs.

Within the following parameters, Congress would have wide discretion in appropriating Trust funds each year. An amount equal to the mandated general fund appropriation plus approximately 60 percent of the new earmarked revenue, would be allocated to the federal programs and services described in the Act. Congress could provide major increases for some of these programs while reducing or eliminating funds for others. An amount equal to 40 percent of the new earmarked revenue, would be reserved for the entitlement grants to states. States would use these funds to expand children's and family programs and to improve the coordination and integration of these services. Minimal funds also would be reserved each year for planning and evaluation and for training and technical assistance to the states.

The Children's Investment Trust Tax would be established by Congress as part of the CIT legislation. While the tax-writing committees would design this new revenue source, several options exist which would have no direct impact on working families with children. Potential revenue options include: implementation of the Moynihan/Kasten payroll tax-cut plan, while reserving one-third of the proceeds for CIT; an increase in the maximum corporate income tax rate; a surtax on those with very high incomes; restrictions on deductions for business meals and entertainment; and an increase in the federal exercise tax for cigarettes and alcohol. The Children's Investment Trust Tax could consist of any combination of these revenue sources.

The CIT legislation includes several provisions designed to provide strict accountability and to ensure that Trust funds are allocated to the most effective programs. The

President, as part of his annual budget message, would submit to the Congress a six-year plan for the Trust. This plan would include recommendations concerning the allocation of Trust funds as well as program modifications or terminations. The plan also would include a report on the status of children and families and recommendations for improving their status.

The Secretary of Health and Human Services would enter into a contract with the National Academy of Sciences, to establish a Children's Investment Trust Evaluation Panel. This independent panel, composed of experts in the field, would evaluate the programs funded under the Trust at least once every six years. An evaluation report, together with recommendations for program changes, would be submitted every six years to the President, the Congress, and the heads of federal agencies.●

By Mr. KENNEDY (for himself and Mr. DODD):

S. 1074. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise the authority under that act to regulate pesticide chemical residues in food; to the Committee on Labor and Human Resources.

SAFETY OF PESTICIDES IN FOOD ACT

Mr. KENNEDY. Mr. President, today I am introducing the Safety of Pesticides in Food Act of 1991. This legislation will significantly enhance Federal oversight over the use of dangerous pesticides on our Nation's food supply, and provide greater assurance to all Americans that we truly have the safest food supply in the world.

Pesticide residues in food pose serious health risks, and the simple truth is that the Federal Government is not doing enough to assure the safety of the Nations's food supply. Routine monitoring methods cannot detect over 40 percent of the pesticide chemicals residues which have been identified as posing moderate to high health risks.

While pesticides have significantly improved crop yield and productivity, many chemicals known to cause cancer and other adverse health conditions continue to be commonly used by farmers. To respond to justifiable concerns about food safety, we need to strengthen Federal authority under the Food, Drug and Cosmetic Act to limit pesticide and other chemical residues on foods and move toward removing from the marketplace chemicals known to give rise to adverse health effects.

Numerous reports from government and the private sector underscore our concern. In 1987, the National Academy of Sciences reported that legal applications of 28 pesticides could lead to cancers for up to 6 individuals for every thousand people exposed. The Environmental Protection Agency has identified at least 25 other carcinogenic pesticides which are legally used on food. In 1988 the Natural Resources Defense Council reported that washing may not remove pesticide residues most often found in 26 common fruits and vegetables. A year later the NRDC issued a report, "Intolerable Risk: Pesticides in Our Children's Food," which provides evidence of the risk of cancer to children. Currently, the National Academy of Sciences is conducting its own comprehensive inquiry into the unique susceptibility of children to pesticide residues.

As reports and analyses of the dangers of pesticidies in food continue to be debated, it is clear that significant reforms are needed. The Environmental Protection Agency under the Federal Food, Drug and Cosmetic Act is responsible for establishing limits on the allowable concentrations of pesticides in food. Unfortunately, it has have failed to incorporate the newest health and safety data available when setting these standards.

The legislation I am introducing today amends and enhances the EPA's current authority under the act to set tolerances for pesticides that remain in food. The bill is a substitute for section 408 of the act. It makes many important improvements in both EPA procedures and authorities to improve the public's confidence in the safety of our food supply.

This bill does not amend the basic pesticide regulatory statute, the Federal Insecticide, Fungicide and Rodenticide Act. But it ensures that pesticide residues on food are adequately regulated under the FFDCA.

The bill incorporates many of EPA's current practices, but also establishes certain fundamental reforms that have been recommended by the National Academy of Sciences to improve the safety of foods bearing pesticide residues. One of the most important provisions of this bill establishes a risk-based food safety standard that is consistent with the other food regulatory authorities under the act. The bill establishes and defines a standard of "negligible risk" and specifies that all pesticides and chemicals used on food agriculture products must be found in quantities with less than negligible risk of causing adverse human health effects in identifiable population groups such as infants and children.

In recognition of the risks that pestcides my pose to children, the bill establishes a mechanism to calculate "negligible risk" for children up to age 5 by taking into account their unique physiologies, limited diets and low body weights relative to this exposure to pesticide residue.

Both old and new pesticides will be required to meet the same standards. The creation of a single regulatory standard for pesticides in food is important, because the National Academy of Sciences has found that old pesticides are not currently regulated as strictly as new chemicals. In 1987, NAS reported that 90 percent of estimated dietary cancer risk from pesticides stems from tolerances set before 1978.

A unitary regulatory standard is also important because NAS found that pesticide residues in raw agricultural commodities are not currently regulated as strictly as they are when they occur in certain processed foods. Obviously, there is no health benefit to this differential protection of our food supply. The bill I am introducing today would remedy this unwarranted inconsistency.

Another important provision in the bill establishes authority for EPA to require the submission of health and safety data. Because may tolerances were set on the basis of incomplete or outdated data, authority to require additional details in essential. Even for the few tolerances which are based on today's science, EPA also needs the authority to update the data if new concerns of new scientific evidence emerge. This bill ensures that tolerances will not be in place unless they are supported by scientifically sound data.

This bill will establish a realistic, enforceable procedure for determining whether a pesticide is safe, and will simplify the procedures for taking a pesticide off the market if it contains more than a negligible risk to health.

Congressman HENRY WAXMAN will introduce an identical bill in the House, and I look foward to working with him and with many others in Congress to achieve the goal we share of a safer food supply.

Mr. President, I ask unanimous consent that the text of the bill may be printed in the RECORD.

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

S. 1074

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

SECTION 1. SHORT TITLE, REFERENCE, TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Safety of Pesticides in Food Act of 1991".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Section 1. Short title, reference, table of contents.
Sec. 2. Definitions.
Sec. 3. Tolerances and exemptions for pesticide chemical residues.
"Sec. 408. Tolerances and exemptions for pesticide chemical residues.
"(a) Requirement for tolerance or exemption.
"(b) Tolerances.
"(c) Exemptions.
"(d) Petitions and action on Administrator's own initiative.
"(e) Special data requirements.

"(f) Confidentiality of data.

"(g) Access to data in support of petition.

"(h) Access to data after decision.

"(i) Definitions.

"(j) Existing pesticide chemical residues.

"(k) F.D.A. monitoring of pesticide chemical residues.

"(l) Fees.

"(m) Judicial review.".

Sec. 4. Evaluation of existing pesticide chemical residue tolerances and exemptions.

Sec. 5. Review of generally recognized as safe pesticide chemical residues.

Sec. 6. Review of existing methods of analysis.

Sec. 7. Fees.

Sec. 8. Definitions.

SEC. 2. DEFINITIONS.

(a) PESTICIDE.—

(1) Section 201(q) (21 U.S.C. 321(q)) is amended to read as follows:

"(q)(1) The term 'pesticide chemical' means—

"(A) any substance which is a pesticide within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, and

"(B) each active and inert ingredient of the pesticide within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act.

"(2) The term 'pesticide chemical residue' means a residue in or on food of—

"(A) any pesticide chemical, or

"(B) any other substance that is present in the commodity or food as a result of the metabolism or other degradation of a pesticide chemical,

regardless of whether the residue may be detected.".

(2) Section 201(s) (21 U.S.C. 321(s)) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) pesticide chemical residue; or", and by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.".

(b) CONFORMING AMENDMENTS.—

(1) Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

"(bb) The term 'processed food' means any food which has been subject to processing from a raw agricultural commodity.

"(cc) The term 'Administrator' means the Administrator of the Environmental Protection Agency.".

(2) Section 402(a)(2) (21 U.S.C. 342(a)(2)) is amended—

(A) by amending clause (A)(i) to read as follows: "(i) a pesticide chemical residue",

(B) by amending clause (B) to read as follows: "(B) if it is, or it bears or contains, a pesticide chemical residue unsafe within the meaning of section 408(a)", and

(C) in clause (C), by striking out ": Provided, That" through "; or" and inserting in lieu thereof "; or".

SEC. 3. TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES.

Section 408 (21 U.S.C. 346a) is amended to read as follows:

"TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES

"SEC. 408. (a) REQUIREMENT FOR TOLERANCE OR EXEMPTION.—

"(1) GENERAL RULE.—Any pesticide chemical residue shall be deemed unsafe for the purpose of section 402(a)(2)(B) unless—

"(A) a tolerance for such residue is in effect under this section and the quantity of such residue is within the limits of such tolerance, or

"(B) an exemption for such residue is in effect under this section and such residue complies with such exemption.

"(2) EFFECT OF A TOLERANCE OR EXEMPTION.—While a tolerance or exemption from the requirement for a tolerance is in effect under this section for a pesticide chemical residue with respect to any food, such food shall not by reason of bearing or containing any amount of such residue be considered to be adulterated within the meaning of section 402(a)(1).

"(b) TOLERANCES.—

"(1) AUTHORITY.—The Administrator may promulgate regulations establishing, modifying, or revoking a tolerance for a pesticide chemical residue—

"(A) in response to a petition filed under subsection (d)(1), or

"(B) on the Administrator's initiative under subsection (d)(4).

A regulation under this paragraph may provide for an expiration date for the tolerance.

"(2) STANDARD.—

"(A) GENERAL RULE.—Except as provided in subparagraph (F)—

"(i) a tolerance may be established for a pesticide chemical residue only if the risk to human health from dietary exposure to the pesticide chemical residue is negligible, and

"(ii) the tolerance for a pesticide chemical residue shall be revoked or modified unless the risk to human health from dietary exposure to the pesticide chemical residue is negligible.

"(B) NEGLIGIBLE RISK.—

"(i) GENERAL RULE.—For purposes of this paragraph, a risk to human health from dietary exposure to a pesticide chemical residue is negligible only if dietary exposure to the residue is reasonably certain to cause no harm to human health and the tolerance for such residue meets the requirements of clause (ii) or (iii).

"(ii) THRESHOLD PESTICIDES.—If the Administrator is able to identify a level at which a pesticide chemical residue will not cause or contribute to any known or anticipated harm to human health, the Administrator may establish or leave in effect a level for a tolerance for such residue only if the Administrator finds that such tolerance will provide an ample margin of safety, for each population group set out in subparagraph (E), which is based on consideration of—

"(I) the nature of the toxic effects caused by such residue and data regarding the prevalence of the same effects caused by other chemicals,

"(II) the validity, completeness, and the reliability of the data about the pesticide chemical residue,

"(III) the variability of individual sensitivities and the sensitivities of population subgroups to the adverse effects from such residue, and

"(IV) the possibility that human susceptibility to such adverse effects is significantly greater than that of test animals.

For purposes of this clause, a margin of safety for a level of a pesticide chemical residue is not ample unless human exposure per unit of body measurement to the pesticide chemical residue and other chemicals which cause the same effect is at least 100 times less than the no observable effect level in animals on which the pesticide chemical residue was tested, and, if human data are available, at least 10 times less than the no observable effect level in humans exposed to such residue. The no observable effect level is the level of exposure to a pesticide chemical which reliable data, derived from exposure of humans or animals to the pesticide chemical, demonstrate will cause no adverse effect.

"(iii) NON-THRESHOLD PESTICIDES.—If the Administrator is not able to identify a level at which a pesticide chemical residue will not cause or contribute to any known or anticipated harm to human health or if the Administrator finds that a pesticide chemical residue causes cancer in animals or humans, the Administrator may establish a level for a tolerance for such residue or leave a level in effect for such residue only if the Administrator finds that such level—

"(I) will not cause or contribute in individuals exposed to such pesticide chemical residue a lifetime risk of an adverse human health effect which occurs at a rate of one in a million or a risk of an adverse human health effect which occurs at a rate of one in a million divided by 70 for any single year of exposure during the first 5 years of the life of an exposed person, using conservative risk assessment models,

"(II) is the lowest level reasonably required to allow the accomplishment of the physical or other technical effect for which the use of the pesticide chemical involved is intended, and

"(III) in the case of processed food, is the lowest level that occurs if such pesticide chemical residue is removed to the extent possible in accordance with good manufacturing practice.

"(C) EXPOSURE.—Except as provided in subparagraph (D), in determining dietary exposure to a pesticide chemical residue for purposes of this paragraph, the Administrator shall—

"(i)(I) use only reliable, statistically significant data regarding the dietary exposure to persons who have consumed the food for which the tolerance for the residue is proposed or is in effect,

"(II) take into account all other tolerances in effect for the same pesticide chemical residue, and

"(III) take into account all other sources (including drinking water if data demonstrating widespread or significant regional contamination in drinking water are available) of dietary exposure to the same pesticide chemical residue, and

"(ii) consider the exposure to be the level of exposure that would occur if all the food, for which the tolerance for the pesticide chemical residue is proposed or in effect, has amounts of the pesticide chemical residue equal to the tolerance proposed or in effect, if all other sources of dietary exposure to such residue described in clause (i)(III) occur, and if human exposure to the pesticide chemical residue at the tolerance level occurs for a period equal to a lifetime.

"(D) SPECIAL EXPOSURE RULE.—The Administrator may calculate dietary exposure based on the percent of the food in which the pesticide chemical residue actually occurs if the Administrator determines on the basis of reliable, statistically significant data—

"(i) the percent of such food in which such residue actually occurs and that such percent is not likely to increase significantly in the subsequent 5 years,

"(ii) the national distribution of such percent of such food does not vary significantly from the distribution of the total amount of such food, and

"(iii) the risk to humans from dietary exposure to such residue and all the other pesticide chemical residues which have a tolerance for the same use for such food and are commonly used on the food is negligible.

The Administrator shall reevaluate the determination every 5 years after the date of

the determination. If under such a reevaluation the Administrator finds that the determination is not justified, the Administrator shall promptly issue a regulation requiring that the tolerance involved be set without invoking the special exposure rule in this subparagraph.

"(E) POPULATION COVERED.—In determining if the dietary exposure to a pesticide chemical residue is negligible, the Administrator shall evaluate the risk to—

"(i) infants of the age 0 to 1,

"(ii) children of the age 1 to 2,

"(iii) children of the age 2 to 3,

"(iv) children of the age 3 to 4,

"(v) children of the age 4 to 5,

"(vi) children of the age 6 to 10,

"(vii) adolescents of the age 11 to 18,

"(viii) other population groups which have been identified by the Administrator to have special food consumption patterns or for which data are sufficient to demonstrate special food consumption patterns, and

"(ix) the entire population,

who consume food with such pesticide chemical residue.

"(F) UNAVOIDABLE PERSISTENCE.—If a tolerance or an exemption from the requirement for a tolerance for a pesticide chemical residue is revoked and the Administrator finds the pesticide chemical residue will unavoidably persist in the environment and contaminate food, the Administrator shall establish a new tolerance under subsection (d)(4) for the pesticide chemical residue. The level permitted by the tolerance shall not be greater than the lowest level that permits only such unavoidable levels to remain in food. The Administrator shall evaluate any such tolerance at least once a year to determine whether modification of such tolerance is necessary so that the tolerance provides only for the level of the pesticide chemical residue that is unavoidable.

"(G) PRACTICAL METHODS OF ANALYSIS.—

"(i) GENERAL RULE.—A tolerance for a pesticide chemical residue shall not be established or allowed to remain in effect unless the Administrator determines, after consultation with the Secretary, that (I) there is a method for detecting and measuring the levels of such pesticide chemical residue in or on a food which will detect the residue at the level established by the tolerance, and (II) except as provided in clause (ii), such method is the best available, practical method. A method shall be considered practical only if it is a multi-residue method that can be performed by the Secretary on a routine basis as part of surveillance and compliance sampling of foods for pesticide chemical residues with the personnel, equipment, and other resources available to the Secretary, or, if no multi-residue method is available, only if it can be so performed by the Secretary.

"(ii) SPECIAL RULE.—If the Administrator determines that a practical method of analysis for a pesticide chemical residue is not available, the Administrator shall identify the best available method which is designed to identify the lowest detectable amount of the pesticide chemical residue. The Administrator shall, every 2 years after the date of the determination under this clause, reevaluate the determination.

"(3) CONSISTENT APPLICATION.—The Administrator shall issue guidelines providing for the consistent application of the requirements of paragraphs (1) and (2).

"(c) EXEMPTIONS.—

"(1) AUTHORITY.—The Administrator may promulgate regulations establishing or revoking an exemption from the requirement for a tolerance for a pesticide chemical residue—

"(A) in response to a petition filed under subsection (d)(1), or

"(B) on the Administrator's initiative under subsection (d)(4).

Such a regulation may provide for an expiration date for the exemption.

"(2) STANDARD.—

"(A) AUTHORITY AND RISK STANDARD.—

"(i) ESTABLISHMENT.—An exemption may be established for a pesticide chemical residue if such residue is not a human or animal carcinogen and otherwise presents no risk to human health, including the health of individuals in the population groups set out in subsection (b)(2)(E), from dietary exposure to such residue.

"(ii) REVOCATION.—An exemption shall be revoked unless the residue is not a human or animal carcinogen and it does not present any risk to human health, including the health of individuals in the population groups set out in subsection (b)(2)(E), from dietary exposure to such residue.

"(iii) TOLERANCE.—No exemption may be established or allowed to remain in effect for a pesticide chemical residue for which there is in effect a tolerance.

"(B) EXPOSURE.—For purposes of subparagraph (A), in determining dietary exposure to a pesticide chemical residue, the Administrator shall—

"(i) use only reliable, statistically significant data regarding the dietary exposure resulting from the consumption of the food for which the exemption for such residue is proposed or is in effect,

"(ii) take into account all other exemptions in effect for such residue and all other sources (including drinking water if data demonstrating widespread or significant regional contamination in drinking water are available) of dietary exposure to such residue, and

"(iii) consider the exposure to be the level of exposure that would occur if all the food, for which the tolerance for such residue is proposed or in effect, has amounts of such residue equal to the tolerance proposed or in effect, if all other sources of dietary exposure to such residue described in clause (ii) occur, and if human exposure to the pesticide chemical residue at the tolerance level occurs for a period equal to a lifetime.

"(C) PRACTICAL METHODS OF ANALYSIS.—An exemption for a pesticide chemical residue shall not be established or allowed to remain in effect unless the Administrator determines, after consultation with the Secretary, that there is a method for detecting and measuring the levels of such pesticide chemical residue on a food and that such method is the best available, practical method, as defined in subsection (b)(2)(G).

"(3) CONSISTENT APPLICATION.—The Administrator shall issue guidelines providing for the consistent application of the requirements of paragraphs (1) and (2).

"(d) PETITIONS AND ACTION ON ADMINISTRATOR'S OWN INITIATIVE.—

"(1) GENERAL RULE FOR PETITIONS.—Any person may file with the Administrator a petition proposing the issuance of a regulation establishing, modifying, or revoking a tolerance or exemption for a pesticide chemical residue.

"(2) REQUIREMENTS FOR PETITIONS TO ESTABLISH A TOLERANCE OR EXEMPTION.—A petition under paragraph (1) to establish a tolerance or exemption for a pesticide chemical residue shall contain—

"(A) an informative summary of the petition and of the data, information, and arguments submitted or cited in support of the petition, including a summary of the reports required under subparagraph (D) respecting the safety of the pesticide chemical residue and a characterization of the exposure to the pesticide chemical residue due to any tolerance or exemption already granted for such residue and the additional exposure to such residue which would result if the requested tolerance or exemption were granted,

"(B) a proposed tolerance for such residue, if a tolerance is proposed,

"(C) the name, chemical identity, and composition of the pesticide chemical which produces such residue,

"(D) reports of tests and investigations made with respect to the safety of such pesticide chemical, including complete information as to the methods and controls used in conducting such tests and investigations,

"(E) data showing the amount, frequency, method, and time of application of such pesticide chemical,

"(F) reports of tests and investigations made with respect to the nature and amount of the pesticide chemical residue that is likely to remain in or on food when ready for sale to consumers, including a description of the analytical methods used,

"(G) description of methods for detecting and measuring the levels of such pesticide chemical residue in or on the food which meet the requirements of subsection (b)(2)(G) or (c)(2)(C),

"(H) reports of investigations conducted on the effects of processing methods used to produce food on the level and identity of such pesticide chemical residue,

"(I) if the petition relates to a tolerance for a pesticide chemical residue which may occur in processed food, information demonstrating the lowest level that occurs if the residue has been removed to the extent possible in accordance with good manufacturing practice,

"(J) if the petition is for a pesticide chemical residue which is described in subsection (b)(2)(B)(iii), all relevant data bearing on the physical or other technical effect the pesticide chemical involved is intended to have and the quantity of the pesticide chemical residue required to accomplish such effect,

"(K) such other data and information (including a sample of the pesticide chemical from which the pesticide chemical residue is derived) as the Administrator may require to support the petition.

If information or data required by this paragraph are available to the Administrator, the person submitting the petition may in lieu of submitting the information or data cite the availability of the information or data.

"(3) ACTIONS ON PETITIONS.—

"(A) NOTICE.—Within 45 days of the filing of a petition under paragraph (1) for the establishment of a tolerance or an exemption, the Administrator shall determine if the petition complies with the requirements of paragraph (2). If the Administrator determines that the petition complies with such requirements, the Administrator shall publish a notice of the filing of the petition. If the Administrator determines that the petition does not comply with such requirements, the Administrator shall notify the petitioner of such determination. A notice published under this subparagraph shall—

"(i) announce the availability of a complete description of the analytical methods available to the Administrator for the detection and measurement of the pesticide chem-

ical residue with respect to which the petition is filed,

"(ii) include the summary required by paragraph (2)(A), and

"(iii) provide at least 30 days for comments on the petition.

"(B) ACTION.—The Administrator shall, within 270 days of the publication of a notice under subparagraph (A) with respect to a petition and after giving due consideration to the petition, any comments on the petition, and any other information available to the Administrator—

"(i) issue a final regulation in accordance with the petition establishing a tolerance or exemption for the pesticide chemical residue,

"(ii) issue a proposed regulation establishing a tolerance or exemption for the pesticide chemical residue which is different from the tolerance or exemption requested in the petition, or

"(iii) issue an order denying the petition.

"(C) MODIFICATION OR REVOCATION.—Within 45 days of the filing of a petition under paragraph (1) for the modification or revocation of a tolerance or exemption, the Administrator shall publish a notice of the filing of the petition. Such notice shall contain the full petition or a summary of the petition and shall provide at least 30 days for comments on the petition. The Administrator shall, within 270 days of the publication of the notice under subparagraph (A) and after giving due consideration to the petition, any comments on the petition, and any other information available to the Administrator—

"(i) issue a final regulation in accordance with the petition modifying or revoking a tolerance or exemption for the pesticide chemical residue,

"(ii) issue a proposed regulation modifying or revoking a tolerance or exemption for the pesticide chemical residue which is different from the modification or revocation requested in the petition, or

"(iii) issue an order denying the petition.

"(D) COMMENTS AND FINAL REGULATIONS.—If the Administrator issues a proposed regulation under subparagraph (B)(ii) or (C)(ii), the Administrator shall allow at least 30 days for comments on such proposed regulations. The Administrator shall issue a final decision within 180 days of the date of the publication of the proposed regulations.

"(E) PRIORITIES.—The Administrator shall give priority to petitions for the establishment of a tolerance for a pesticide chemical residue which appears to have a significantly lower risk to human health from dietary exposure than pesticide chemical residues which have tolerances in effect for the same or similar uses.

"(4) ACTION ON THE ADMINISTRATOR'S OWN INITIATIVE.—

'(A) GENERAL RULE.—The Administrator may, on the Administrator's own initiative, issue a final regulation establishing, modifying, or revoking a tolerance or exemption for a pesticide chemical residue.

"(B) NOTICE.—Before issuing a final regulation under subparagraph (A), the Administrator shall issue a notice of proposed rulemaking and provide a period of not less than 30 days for public comment on the proposed regulation unless the Administrator finds that it would be contrary to the public interest to do so and states the reasons for that finding in the notice of the final regulation.

"(5) EFFECTIVE DATE.—

"(A) GENERAL RULE.—Except as provided in subparagraph (B), a final regulation issued under paragraph (3) or (4) shall take effect upon publication.

"(B) DELAY.—

"(i) GENERAL RULE.—If a regulation issued under paragraph (3) or (4) revokes or modifies a tolerance for a pesticide chemical residue or revokes an exemption for a pesticide chemical residue, the Administrator may, in accordance with clause (ii), delay the effective date of the regulation to permit the tolerance or exemption to remain in effect at the level in effect immediately before such regulation is issued only—

"(I) for foods which, on the date of the publication of the regulation, contain such pesticide chemical residue in an amount which is not more than the amount which could legally be applied on the date the Administrator acted under paragraph (3) or (4), and

"(II) if dietary exposure to the pesticide chemical residue in or on the foods described in subclause (I) meets the negligible risk standard prescribed by subsection (b)(2) during the period of delay of the effective date.

"(ii) PERIOD OF DELAY.—If the Administrator finds that delay of the effective date of such a revocation or modification is consistent with the public health, the Administrator may delay such date under clause (i) for each type of food which contains such pesticide chemical residue for the period that is required for such food to be sold to consumers in the course of the usual practice for persons engaged in the production, processing, transportation, storage, and distribution of that type of food.

"(e) SPECIAL DATA REQUIREMENTS.—

"(1) DETERMINATION OF INADEQUATE DATA.—If a tolerance or exemption is in effect for a pesticide chemical residue and the Administrator determines that data contained in the petition, which had been submitted under subsection (d)(1) for its establishment or under this section before the date of the enactment of this paragraph, are not adequate to support the continuation of such tolerance or exemption because—

"(A) based on the data contained in the petition and other data available to the Administrator, the Administrator determines that dietary exposure to such pesticide chemical residue may present a risk to human health that is greater than the standard prescribed by subsection (b)(2) or (c)(2), or

"(B) the data contained in the petition are insufficient to determine if the tolerance or exemption meets the requirements of subsection (b)(2) or (c)(2) or the requirements of subsection (d)(2),

the Administrator shall take the action described in paragraph (2).

"(2) ACTION BY ADMINISTRATOR.—When the Administrator makes the determination described in paragraph (1) with respect to a tolerance or exemption for a pesticide chemical residue, the Administrator shall—

"(A) within 30 days of the determination under paragraph (1)(A), initiate an action under subsection (d)(4) to modify or revoke the tolerance or exemption so that it meets the standard under subsection (b)(2) or (c)(2), and within one year of such determination issue a final regulation to complete such action, and

"(B) within 30 days of the date of the determination under paragraph (1)(B), require the submission of data to support—

"(i) the existing tolerance or exemption, or

"(ii) a new tolerance or exemption for such residue,

which meets the standard under subsection (b)(2) or (c)(2),

"(3) SUBMISSION OF REQUIRED DATA.—When the Administrator requires the submission of data under paragraph (2)(B), the Administrator shall publish an order—

"(A) requiring one or more interested persons to notify the Administrator that such person will submit the required data,

"(B) describing the type of data required to be submitted,

"(C) describing the reports required to be made during and after the collection of the data, and

"(D) establishing deadlines for the actions described in subparagraphs (A) and (C).

"(4) DEADLINES.—

"(A) GENERAL RULE.—Except as provided in subparagraphs (B) and (C), if an order is issued under paragraph (3) with respect to a tolerance or exemption and a deadline in the order is not met, the tolerance or exemption is revoked, effective 45 days after the date the deadline is not met. Immediately after such deadline is not met, the Administrator shall publish a notice of the revocation.

"(B) EXTENSION REQUEST.—Any person may request the Administrator to issue an order to extend the deadline established under paragraph (3)(D) before expiration of the deadline. The Administrator may grant such a request only if the person submitting the request notified the Administrator pursuant to paragraph (3)(A) in compliance with the deadline established under paragraph (3)(C) and if the Administrator finds that extraordinary circumstances beyond the control of such person prevented such person from submitting the required data. If the Administrator issues an order extending a deadline—

"(i) the Administrator may extend the deadline for a period no longer than such time as is necessary for such person to submit the data, and

"(ii) the Administrator shall establish a new deadline in accordance with paragraph (3)(D).

"(C) DELAY.—If a tolerance or exemption is revoked under subparagraph (A), the Administrator may delay the effective date of the revocation in accordance with subsection (d)(5)(B).

"(5) EVALUATION OF DATA.—Within 90 days of the date of the receipt of data under paragraph (3), the Administrator shall evaluate such data and determine whether action is required under subsection (d)(4) with respect to the tolerance or exemption for the pesticide chemical residue for which the data were submitted so that such tolerance meets the negligible risk standard prescribed under subsection (b)(2) or (c)(2). If the Administrator determines that action under subsection (d)(4) is required, the Administrator shall complete such action within one year of the date of such determination.

"(f) CONFIDENTIALITY OF DATA.—

"(1) GENERAL RULE.—Data submitted to the Administrator in support of a petition under subsection (d)(2), which have not previously been made available to the public without restriction, shall, upon request of the petitioner, be considered as entitled to confidential treatment by the Administrator until publication of a regulation or order under subsection (d)(3) in response to the petition unless disclosure of such data is required by subsection (d)(3)(A)(ii) or subsection (g) or is allowed by paragraph (2) of this subsection.

"(2) DISCLOSURE.—Data that are entitled to confidential treatment under paragraph (1) until publication of a regulation or order under subsection (d)(3) may be revealed to—

"(A) either House of Congress or any committee or subcommittee thereof to the extent of matter within the jurisdiction of the committee or subcommittee,

"(B) any officer or employee of the United States in connection with the official duties

of such officer or employee under any law for the protection of health or the environment or for specific law enforcement purposes,

"(C) any officer or employee of a State in connection with the official duties of such officer or employee under any law of the State for the protection of health or the environment or for specific law enforcement purposes, or

"(D) contractors with the United States authorized by the Administrator to examine such data in the carrying out of contracts under such statutes under such security requirements as the Administrator may provide.

"(g) ACCESS TO DATA IN SUPPORT OF PETITION.—

"(1) GENERAL RULE.—If data in support of a petition is submitted to the Administrator, the Administrator, before acting on such petition, shall provide, in accordance with this subsection, public access to health and safety data that are submitted or cited in support of such petition. To obtain access to such data, a person shall, not later than 30 days after the publication under subsection (d)(3) of a notice of the filing of a petition, send by certified mail to the Administrator and to the petitioner a request for such access and the affirmation required by paragraph (2). The Administrator shall grant such request unless, within 15 days after the receipt by the Administrator of such request and affirmation, the petitioner submits to the Administrator an objection to the request asserting that the affirmation is inaccurate and other reasons for the objection. If an objection to a request is submitted to the Administrator within such 15-day period, the Administrator shall determine whether to grant the request within 5 days after the receipt of the objection. If the Administrator determines to grant the request, access shall not be permitted until 5 days after the petitioner making the objection has been notified that access has been granted. If access to data is denied, comments on the petition for which such data were submitted or cited shall be filed within 30 days after the decision of the Administrator denying access.

"(2) RESTRICTION.—Data referred to in paragraph (1) may be made available only to a person who provides an affirmation (and such supporting evidence as the Administrator may require) which—

"(A) states that the person is not engaged in, and is neither employed by nor acting (directly or indirectly) on behalf of any other person or affiliate thereof engaged in, the production, sale, or distribution of a pesticide chemical,

"(B) identifies any business, employer, or other person, if any, on whose behalf the person is requesting access to the data, and

"(C) states that the person will not intentionally or recklessly violate this subsection.

For purposes of this paragraph, an affiliate of a person is a person who directly or indirectly, through one or more intermediates, controls or is controlled by or is under common control with the other person. Section 1001 of title 18, United States Code, shall apply to an affirmation made under this paragraph.

"(3) COMMENTS.—

"(A) GENERAL RULE.—Data supporting a petition may be made available under paragraph (1) to a person only for the purpose of permitting the person to comment to the Administrator on such petition. Such comments may reasonably quote data submitted to the Administrator. No person, including the Administrator, may make such comments public before the decision of the Administrator on the petition for which such data were submitted or after such decision if the petition is denied.

"(B) RESTRICTIONS.—A person who obtains data under paragraph (1) (directly or indirectly) may not publish, copy, or transfer the data to any other person to obtain approval to sell, manufacture, or distribute a pesticide chemical anywhere in the world.

"(4) PROCEDURE.—Data made available under paragraph (1) may be examined at an office of the Environmental Protection Agency or an appropriate State agency under the conditions prescribed by this subsection and may not be removed from such office. The Administrator shall maintain a record of the persons who inspect data. A copy of such record shall be sent on request to the person who submitted the data. Once access to data supporting a petition is granted, the data may be examined and notes may be taken for use in developing comments on the petition. Such comments on the petition shall be filed within 60 days after the decision of the Administrator granting access, unless the comment period is extended by the Administrator for an additional 30 days for good cause.

"(h) ACCESS TO DATA AFTER DECISION.—When the Administrator takes final action on a petition submitted under subsection (d)(1) or on the Administrator's own initiative under subsection (d)(4), the Administrator shall make available to the public the administrative record of the decision, including the data relied upon for the decision.

"(i) DEFINITIONS.—For purposes of this section, the terms 'modify' and 'modification' mean the lowering of a tolerance for a pesticide chemical residue.

"(j) EXISTING PESTICIDE CHEMICAL RESIDUES.—

"(1) PESTICIDE CHEMICAL RESIDUES UNDER REGULATIONS UNDER SECTION 406.—Regulations affecting pesticide chemical residues promulgated, in accordance with sections 701(e) and 406(a), upon the basis of public hearings instituted before January 1, 1953, shall be deemed to be tolerances issued under this section and shall be subject to modification or revocation under subsection (d) or (e).

"(2) PESTICIDE CHEMICAL RESIDUES UNDER REGULATIONS UNDER SECTIONS 408 AND 409.—Regulations establishing tolerances for pesticide chemical residues under sections 408 and 409 or exemptions for pesticide chemical residues under section 408 on or before the date of the enactment of this subsection shall be deemed to be tolerances or exemptions issued under this section and shall be subject to modification or revocation under subsection (d) or (e).

"(3) GENERALLY RECOGNIZED AS SAFE PESTICIDE CHEMICAL RESIDUES UNDER SECTIONS 408 AND 409.—

"(A) GENERAL RULE.—Pesticide chemical residues which on the day before the date of the enactment of this paragraph do not have tolerances or exemptions from tolerances under this section because they are generally recognized as safe under this section or section 409 shall, until the expiration of the period prescribed by subparagraph (C), not be considered unsafe under section 402(a)(2)(B) solely because the chemicals do not have such a tolerance or exemption.

"(B) GRAS LIST.—Not later than 90 days after the date of the enactment of this paragraph—

"(i) the Administrator shall publish a list of all pesticide chemical residues which on the day before such date the Administrator has determined are generally recognized as safe under this section or section 409, and

"(ii) require, with respect to a pesticide chemical residue not on the list under clause (i), that any person who before the date of the enactment of this paragraph distributed in commerce a pesticide chemical as a pesticide chemical which such person determined is generally recognized as safe under this section or section 409 to report to the Administrator the identity of such pesticide chemical and the data which supports the claim that the pesticide chemical is so safe.

"(C) ADMINISTRATOR'S DETERMINATION.—Not later than 270 days from the date of the enactment of this paragraph, the Administrator shall determine if each pesticide chemical reported to the Administrator in accordance with subparagraph (B)(ii) is generally recognized as safe. If the Administrator determines that such pesticide chemical is generally recognized as safe, the residue of such pesticide chemical shall be considered a pesticide chemical residue subject to an exemption under this section which shall be subject to modification or revocation under subsection (d) or (e).

"(k) F.D.A. MONITORING OF PESTICIDE CHEMICAL RESIDUES.—

"(1) The Secretary shall conduct surveillance and compliance sampling of food for pesticide chemical residues to determine if the pesticide chemical residues are in compliance with this section. In carrying out this paragraph, the Secretary shall give priority to foods which contain pesticide chemical residues included in a notice under paragraph (2). "(2) The Administrator shall notify the Secretary of the pesticide chemical residues which the Administrator determines in the administration of this section (A) are above the standard prescribed by subsection (b)(2), or (B) are not above such standard but which may under certain circumstances reach or exceed such standard.

"(l) FEES.—The Administrator shall by regulation require the payment of such fees as will in the aggregate, in the judgment of the Administrator, be sufficient over a reasonable term to provide, equip, and maintain an adequate service for the performance of the Administrator's functions under this section. Under such regulations, the performance of the Administrator's services or other functions under this section may be conditioned upon the payment of such fees. Such regulations may further provide that the continuation in effect of a tolerance or exemption shall be conditioned upon the payment of an annual fee and for waiver or refund of fees in whole or in part when in the judgment of the Administrator such waiver or refund is equitable and not contrary to the purposes of this subsection.

"(m) JUDICIAL REVIEW.—

"(1) REVIEW.—Any person (including a person without an economic interest) who may be adversely affected by a final regulation or order issued under subsection (d)(3), (d)(4), (e)(4), or (j)(3) may obtain judicial review of such regulation or order by filing in the United States Court of Appeals for the circuit wherein such person resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, within 60 days after publication of the regulation or order under subsection (d)(3), (d)(4), (e)(4), or (j)(3), a petition praying that the regulation or order be set aside in whole or in part.

"(2) REVIEW OF DATA.—

"(A) IN GENERAL.—Any person (including a person without an economic interest) may obtain judicial review of the adequacy of the data made available by the Administrator under subsection (h) to support the issuance

of a tolerance or exemption for a pesticide chemical residue by filing a petition in the United States Court of Appeals for the circuit in which such person resides or has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit for the review of the data.

"(B) SCOPE OF REVIEW.—Review in a proceeding initiated under this paragraph shall be limited to whether the data under review are adequate to demonstrate that the tolerance or exemption supported by such data meets the standards required by subsection (b)(2) or (c)(2) and interpreted by the guidelines issued under subsection (b)(3) or (c)(3). Unless the court determines that such data are adequate, the court shall revoke the tolerance or exemption supported by such data.

"(C) BURDEN OF PROOF.—In any such proceeding the Adminstrator shall have the burden of proof on all issues.

"(3) COURT RESPONSIBILITY.—In any action seeking judicial review of actions under this section, the court shall have the principal responsibility for deciding issues of law.

"(4) ATTORNEY FEES.—Any petitioner who prevails in a proceeding brought under this section shall be entitled to recover reasonable attorney fees and expenses (including expert witness fees).".

SEC. 4. EVALUATION OF EXISTING PESTICIDE CHEMICAL RESIDUE TOLERANCES AND EXEMPTIONS.

(a) EVALUATION.—Within one year of the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall, for each pesticide chemical residue which has a tolerance or exemption in effect under the Federal Food, Drug, and Cosmetic Act, evaluate all available data with respect to the safety of such pesticide chemical residue and the nature and amount of such residue remaining in or on foods and determine if—

(1) the tolerance or exemption meets the requirements of subsection (b)(2) or (c)(2) of such section,

(2) the tolerance or exemption does not meet such requirements, or

(3) the data are insufficient to determine if the tolerance or exemption meets such requirements.

(b) SUFFICIENT DATA.—

(1) ACCEPTABLE RISK DATA.—If with respect to any pesticide chemical residue which is evaluated under subsection (a), the Administrator finds that data for the pesticide chemical residue are sufficient to determine that the tolerance or exemption for the pesticide chemical residue meets the standard under section 408(b)(2) or 408(c)(2) of such Act, the Administrator shall publish such finding.

(2) UNACCEPTABLE RISK DATA.—If with respect to any pesticide chemical residue which is evaluated under subsection (a), the Administrator finds that data for the pesticide chemical residue are sufficient to determine that the tolerance or exemption for the pesticide chemical residue does not meet the standard under section 408(b)(2) or 408(c)(2) of such Act, the Administrator shall, within one year of the date of such finding, modify or revoke the tolerance.

(3) INSUFFICIENT DATA.—

(A) GENERAL RULE.—If with respect to any pesticide chemical residue which is evaluated under subsection (a), the Administrator determines that the data are insufficient to determine whether the tolerance or exemption meets the requirements of section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act, the Administrator shall establish a schedule for the submission of data in accordance with the requirements of section 408(e)(2)(B) and 408(e)(3) of such Act, which data will be the basis for a determination by the Adminstrator as to whether the tolerance or exemption meets the standard prescribed by section 408(b)(2) or 408(c)(2) of such Act. The Administrator shall—

(i) within 2 years of the date of the enactment of this Act, make such a determination respecting a tolerance or exemption meeting a standard under section 408 of such Act for at least 30 percent of the tolerances or exemptions in effect for pesticide chemical residues in existence on such date,

(ii) within 4 years of the date of the enactment of this Act, make such a determination for at least 60 percent of the tolerances or exemptions in effect for pesticide chemical residues in existence on such date,

(iii) within 6 years of the date of the enactment of this Act, make such a determination for at least 90 percent of the tolerances or exemptions in effect for pesticide chemical residues in existence on such date, and

(iv) within 7 years of the date of the enactment of this Act, make such a determination for 100 percent of the tolerances or exemptions in effect for pesticide chemical residues in existence on such date.

Section 408(e)(4) of such Act shall apply to the deadlines established by such schedule.

(B) PRIORITIES.—In establishing such schedule, the Administrator shall give priority to the consideration of any pesticide chemical residue for which there is reason to believe that the tolerance or exemption in effect for such residue may present a risk greater than the negligible risk standard prescribed by section 408(b)(2) or 408(c)(2) of such Act.

(C) ACTION BY THE ADMINISTRATOR.—If the Administrator determines under subparagraph (A) that a tolerance or exemption does not meet the standard under subsection (b)(2) or (c)(2) after the submission of data in accordance with the schedule prescribed by such subparagraph, the Administrator shall take the action described in section 408(e)(2)(A) of the Federal Food, Drug, and Cosmetic Act with respect to such tolerance or exemption.

SEC. 5. REVIEW OF EXISTING METHODS OF ANALYSIS.

Within 180 days of the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall determine for each method of detecting and measuring levels of pesticide chemical residues if the requirements of section 408(b)(2)(E) of the Federal Food, Drug, and Cosmetic Act have been met. The Administrator shall issue a notice identifying each pesticide chemical for which there is such a method which does not meet such requirements. Any such method which does not meet such requirements shall be revised so that it meets such requirements within 3 years of the date of the issuance of the notice. If upon the expiration of such 3 years, a method does not meet such requirements, then any tolerance or exemption in effect for the pesticide chemical residue subject to such method shall be considered revoked.

SEC. 6. FEES.

The Administrator of the Environmental Protection Agency shall by regulation require the payment of such fees as will in the aggregate, in the judgment of the Administrator, be sufficient over a reasonable term to provide, equip, and maintain an adequate service for the performance of the Administrator's functions under sections 4, 5, and 6 of this Act.

SEC. 7. DEFINITIONS.

(a) IN GENERAL.—The terms used in sections 4 through 5 of this Act, which are the same as the terms used in section 408 of the Federal Food, Drug, and Cosmetic Act, shall have the same meaning as is prescribed for those terms by sections 201 and 408 of such Act.

(b) DIETARY EXPOSURE.—As used in section 4 of this Act, the term "dietary exposure" refers to dietary exposure as determined under section 408(b)(2)(C) of the Federal Food, Drug, and Cosmetic Act.

(c) EXEMPTION.—As used in sections 4 through 5 of this Act, the term "exemption" means an exemption from the requirement for a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act.

By Mr. CRANSTON (for himself, Mr. DECONCINI, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. SPECTER, Mr. JEFFORDS, Mr. GLENN, Mr. PELL, Mr. BIDEN, Mr. BURDICK, Mr. DIXON, Mr. BOREN, Mr. REID, Ms. MIKULSKI, Mr. SHELBY, Mr. HATCH, Mr. PACKWOOD, Mr. STEVENS, Mr. D'AMATO, Mr. COCHRAN, Mr. BROWN, Mr. CRAIG, and Mr. SEYMOUR):

S.J. Res. 145. Joint resolution designating the week beginning November 10, 1991, as "National Women Veterans Recognition Week"; to the Committee on the Judiciary.

NATIONAL WOMEN VETERANS RECOGNITION WEEK

• Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to introduce a joint resolution designating the week of November 10–16, 1991, as National Women Veterans Recognition Week. The measure, cosponsored by 24 of my colleagues, is a companion to House Joint Resolution 242, which was introduced in the House of Representatives by Representative BILIRAKIS on May 2.

Because of my commitment to women veterans, for the past 7 years I have sponsored legislation designating a week near Veterans Day as National Women Veterans Recognition Week. I am proud to have sponsored this legislation for so many years and am gratified by the strong support it has received from my colleagues in the Senate.

Women veterans comprise approximately 4.2 percent of the total veteran population, a percentage that is growing as the percentage of military personnel who are women—currently at a record 12 percent—continues to rise. These women, who served with honor, skill, and dedication, are a group of veterans who have too often been underestimated, forgotten, or ignored. We must reverse this perception and recognize the historical and growing contributions of women veterans to our national defense. As demonstrated in recent months by the more than 30,000 women who have served in the Persian Gulf region, women are performing a wide range of tasks vital to the Armed

Forces and are clearly an integral part of the All-Volunteer Force.

The conflict in the Persian Gulf also heightened the public's sensitivity to the problems faced by women in the Armed Forces. Our newspapers and television screens brought us many stories of anxious mothers forced to leave their children in the care of friends and relatives when summoned to duty half a world away from home. In addition, women experienced hardships as the result of the need to adapt to social and cultural constraints on the freedom and equality of women in the Persian Gulf region. We must not allow our Nation to forget the sacrifices made by these women and those who served before them.

The principal goals of designating a week to recognize and honor women veterans are twofold: To increase the public's awareness of the accomplishments of women in the Armed Forces and to make women veterans more aware of the many benefits available to them because of their service. Because many women veterans are not aware of the various benefits and services for which they are eligible, such as health care, educational assistance, employment services, and home loan guaranties, they often do not apply for them. This lack of awareness has had serious ramifications for VA health care. With relatively few women veterans seeking treatment at VA health-care facilities, VA has been slow to remodel its buildings and hire appropriate staff to meet the gender-specific health-care needs of women veterans. VA has made steady progress toward improving its services to women veterans, but further improvement is necessary for VA to provide women veterans with equal and appropriate health-care services.

Mr. President, the resolution designating the week of November 10 as National Women Veterans Recognition Week will continue the momentum built over the last 7 years to call attention to this important but often overlooked group of veterans. I urge my colleagues to join me in supporting this resolution of vital significance to these women to whom we owe our undying gratitude and admiration.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD at this point.

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

S.J. RES. 145

Whereas there are more than 1,200,000 women veterans in the United States representing 4.2 percent of the total veteran population;

Whereas the number of women serving in the United States Armed Forces and the number of women veterans continues to increase;

Whereas women veterans have contributed greatly to the security of the United States through honorable military service, often involving great hardship and danger;

Whereas women are performing a wider range of tasks in the United States Armed Forces, as demonstrated by the participation of women in the military actions taken in Panama and the Persian Gulf region;

Whereas the special needs of women veterans, especially in the area of health care, have often been overlooked or inadequately addressed by the Federal Government;

Whereas the lack of attention to the special needs of women veterans has discouraged or prevented many women veterans from taking full advantage of the benefits and services to which they are entitled; and

Whereas designating a week to recognize women veterans will help both to promote important gains made by women veterans and to focus attention on the special needs of women veterans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 10, 1991, is designated as "National Women Veterans Recognition Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.•

By Mr. LAUTENBERG:

S.J. Res. 146. Joint resolution designating July 2, 1991, as "National Literacy Day"; to the Committee on the Judiciary.

NATIONAL LITERACY DAY

• Mr. LAUTENBERG. Mr. President, I am pleased to introduce a joint resolution to designate July 2, 1991, as "National Literacy Day." This is the sixth year in a row that I am introducing this resolution. It is vital to call attention to the problem of illiteracy, to help others understand the severity of this problem and its detrimental effects on our society, and to reach those who are unaware of the services to help them escape illiteracy.

In the book "Illiterate America" by Jonathan Kozol, the author describes the growing crisis of illiteracy in America. In this country it is often said that we live in the information age. Yet for many Americans, information is inaccessible. Over 17 million American adults cannot read. An additional 35 million read below the level needed to function successfully. The American Library Association estimates the cost of illiteracy is $224 billion, although, in truth, no value can be put on the devastation of illiteracy.

The cost includes the lifetime earnings that will not be realized by men and women who cannot get and hold jobs requiring any reading skills. The cost includes child welfare expenditures for the children of adults who lack the skills to get jobs. The cost includes prison maintenance for the inmates whose imprisonment can be linked to their illiteracy. The cost includes on-the-job accidents and damage to equipment caused by the inability of workers to read and understand instructions for the operation of machines.

And the human cost is even higher. The daily activities that we take for granted—reading the newspaper, reading a menu, reading a street or subway map, reading a note from a child's teacher—become a nightmare for illiterate people. They devise remarkable strategies of evasion and coping. The creativity that goes into hiding the inability to read is a terrible waste and a tragic commentary on the losses illiterate people suffer.

It is vital to call attention to the problem of illiteracy. Our society must begin to understand the severity of this problem and its detrimental effects. Perhaps even more essential is the need to reach the people who need help in overcoming their illiteracy and to make them aware of the services that are available.

Mr. President, for these reasons, I am introducing a joint resolution to designate July 2, 1991, as "National Literacy Day." I urge my colleagues to support this resolution, and I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 146

Whereas literacy is a necessary tool for survival in our society;

Whereas thirty-five million Americans today read at a level which is less than necessary for full survival needs;

Whereas there are twenty-seven million adults in the United States who cannot read, whose resources are left untapped, and who are unable to offer their full contribution to society;

Whereas illiteracy is growing rapidly, as two million three-hundred thousand persons, including one million two-hundred thousand legal and illegal immigrants, one million high school dropouts, and one hundred thousand refugees, are added to the pool of illiterates annually;

Whereas the annual cost of illiteracy to the United States in terms of resulting welfare expenditures, crime, prison expenses, lost revenues, and industrial and military accidents has been estimated by the American Library Association at $24 billion.

Whereas the competitiveness of the United States is eroded by the presence in the workplace of millions of Americans who are functionally or technologically illiterate;

Whereas the number of illiterate adults unable to perform at the standard necessary for available employment is related to and the money allocated to child welfare and unemployment compensation;

Whereas the percentage of illiterates in proportion to population size is higher for blacks and Hispanics, resulting in increased barriers to economic enhancement by these minorities;

Whereas the prison population represents a high concentration of adult illiteracy;

Whereas one million children in the United States between the ages of twelve and seventeen cannot read above a third grade level, 13 per centum of all seventeen-year-olds are functionally illiterate, and 15 per centum of graduates of urban high schools read at less than a sixth grade level;

Whereas 85 per centum of the juveniles who appear in criminal court are functionally illiterate;

Whereas the 47 per centum illiteracy rate among black youths is expected to increase 50 per centum by 1990;

Whereas one-half of all heads of households cannot read past the eighth grade level and one-third of all mothers on welfare are functionally illiterate;

Whereas the cycle of illiteracy continues because the children of illiterate parents are often illiterate themselves because of the lack of support they receive from their home environment;

Whereas Federal, State, municipal, and private literacy programs have only been able to reach 5 per centum of the total illiterate population;

Whereas it is vital to call attention to the problem of illiteracy, to understand the severity of the problem and its detrimental effects on our society, and to reach those who are illiterate and unaware of the free services and help available to them; and

Whereas it is also necessary to recognize and thank the thousands of volunteers who are working to promote literacy and provide support to the millions of illiterates in need of assistance, Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 2, 1991, is designated as "National Literacy Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. SYMMS, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 50, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 100

At the request of Mr. SANFORD, the names of the Senator from Tennessee [Mr. GORE], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 100, a bill to set forth U.S. policy toward Central America and to assist the economic recovery and development of that region.

At the request of Mr. RIEGLE, his name was added as a cosponsor of S. 100, supra.

S. 102

At the request of Mr. COHEN, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 102, a bill to amend title IV of the Higher Education Act of 1965 to allow resident physicians to defer repayment of title IV student loans while completing accredited resident training programs.

S. 141

At the request of Mr. DASCHLE, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 141, a bill to amend the Internal Revenue Code of 1986 to extend the solar and geothermal energy tax credits through 1996.

S. 190

At the request of Mr. GRAHAM, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 190, a bill to amend 3104 of title 38, United States Code, to permit veterans who have a service-connected disability and who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such veteran.

S. 200

At the request of Mr. PRYOR, the names of the Senator from Montana [Mr. BURNS], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 200, a bill to amend the Internal Revenue Code of 1986 to exclude small transactions from broker reporting requirements, and to make certain clarifications relating to such requirements.

S. 224

At the request of Mr. MCCONNELL, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 224, a bill to amend the National School Lunch Act to modify the criteria for determining whether a private organization providing nonresidential day care services is considered an institution under the child care food program, and for other purposes.

S. 240

At the request of Mrs. KASSEBAUM, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 264

At the request of Mr. COCHRAN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 264, a bill to authorize a grant to the National Writing Project.

S. 318

At the request of Mr. PACKWOOD, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 318, a bill to amend the Internal Revenue Code of 1986 to provide for employees of small employers a private retirement incentive matched by employers, and for other purposes.

S. 327

At the request of Mr. BOREN, the names of the Senator from New York [Mr. MOYNIHAN], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 327, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 349

At the request of Mr. BUMPERS, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 349, a bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such Act, and for other purposes.

S. 400

At the request of Mr. SYMMS, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 400, a bill to set aside tax revenues collected on recreational fuels not used on highways for the purposes of improving and maintaining recreational trails.

S. 433

At the request of Mr. BUMPERS, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 433, a bill to provide for the disposition of certain minerals on Federal lands, and for other purposes.

S. 447

At the request of Mr. THURMOND, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Florida [Mr. MACK], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 447, a bill to recognize the organization known as the Retired Enlisted Association, Inc.

S. 463

At the request of Mr. HATFIELD, the names of the Senator from Maryland [Ms. MIKULSKI], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 463, a bill to establish within the Department of Education an Office of Community Colleges.

S. 466

At the request of Mr. GRASSLEY, the names of the Senator from Hawaii [Mr. AKAKA], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 466, a bill to amend the Internal Revenue Code of 1986 to provide for a renewable energy production credit, and for other purposes.

S. 515

At the request of Mr. DOMENICI, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 515, a bill to authorize appropriations out of the highway trust fund for Indian reservation roads for fiscal years 1992 through 1996.

S. 519

At the request of Mr. REID, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 519, a bill to amend title II of the Social Security Act to exclude child care earnings from wages and self-employment income under the earnings test with respect to individuals who have attained retirement age.

S. 521

At the request of Mr. DANFORTH, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 521, a bill to amend section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, and for other purposes.

S. 544

At the request of Mr. HEFLIN, the names of the Senator from Utah [Mr.

GARN], the Senator from Virginia [Mr. ROBB], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 544, a bill to amend the Food, Agriculture, Conservation and Trade Act of 1990 to provide protection to animal research facilities from illegal acts, and for other purposes.

S. 596

At the request of Mr. MITCHELL, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 596, a bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

S. 601

At the request of Mr. SASSER, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 601, a bill to withhold United States military assistance for El Salvador, subject to certain conditions.

S. 615

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 615, a bill entitled the "Environmental Marketing Claims Act of 1991".

S. 651

At the request of Mr. GARN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor 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. 680

At the request of Mr. ROCKEFELLER, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 680, a bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes.

S. 690

At the request of Mr. SIMON, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 690, a bill to amend the Illinois and Michigan Canal National Heritage Corridor Act of 1984 to extend the boundaries of the corridor.

S. 715

At the request of Mr. BURNS, the names of the Senator from Delaware [Mr. BIDEN], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 715, a bill to permit States to waive application of the Commercial Motor Vehicle Safety Act of 1986 with respect to vehicles used to transport farm supplies from retail dealers to or from a farm, and to vehicles used for custom harvesting, whether or not such vehicles are controlled and operated by a farmer.

S. 755

At the request of Mr. HATCH, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Idaho [Mr. CRAIG], the Senator from Idaho [Mr. SYMMS], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 755, a bill to amend the amount of grants received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

S. 762

At the request of Mr. REID, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 762, a bill to amend title II of the Social Security Act to provide for an increase of up to 5 in the number of years disregarded in determining average annual earnings on which benefit amounts are based upon a showing of preclusion from remunerative work during such years occasioned by need to provide child care or care to a chronically dependent relative.

S. 768

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 768, a bill to amend the Motor Vehicle Information and Cost Savings Act to provide for the establishment of a national electric vehicle program for the United States and for other purposes.

S. 801

At the request of Mr. REID, the names of the Senator from Nebraska [Mr. EXON], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of 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.

S. 803

At the request of Mr. REID, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of 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.

S. 815

At the request of Mr. BROWN, the names of the Senator from New York [Mr. MOYNIHAN], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of 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.

S. 840

At the request of Mr. DURENBERGER, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 840, a bill to amend the Internal Revenue Code of 1986 to provide a simplified method for computing the deductions allowable to home day care providers for the business use of their homes.

S. 882

At the request of Mr. SARBANES, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 882, a bill to amend subpart 4 of part A of title IV of the Higher Education Act of 1965 to mandate a 4-year grant cycle and to require adequate notice of the success or failure of grant applications.

S. 884

At the request of Mr. PACKWOOD, the names of the Senator from Massachusetts [Mr. KERRY], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 884, a bill to require the President to impose economic sanctions against countries that fail to eliminate large-scale driftnet fishing.

S. 890

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 890, a bill to reauthorize the Star Schools Program Assistance Act, and for other purposes.

S. 894

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 894, a bill to amend the Lanham Trademark Act regarding gray market goods.

S. 898

At the request of Mr. LEAHY, the names of the Senator from Illinois [Mr. SIMON], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 898, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the safety of exported pesticides, and for other purposes.

S. 911

At the request of Mr. KENNEDY, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from California [Mr. CRANSTON], the Senator from Florida [Mr. GRAHAM], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to expand the availability of comprehensive primary and preventative care for pregnant women, infants and children and to provide grants for home-visiting services for at-risk families, to amend the Head Start Act to provide Head Start services to all eligible children by the year 1994, and for other purposes.

S. 914

At the request of Mr. GLENN, the names of the Senator from Georgia [Mr. NUNN], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 914, a bill to amend title 5, United States Code, to restore to Federal civilian employees their

right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 921

At the request of Mr. DOLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 921, a bill to establish national voter registration procedures for Presidential and congressional elections, and for other purposes.

S. 924

At the request of Mr. KENNEDY, the names of the Senator from South Carolina [Mr. HOLLINGS], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 924, a bill to amend the Public Health Service Act to establish a program of categorical grants to the States for comprehensive mental health services for children with serious emotional disturbance, and for other purposes.

S. 941

At the request of Mr. INOUYE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 941, a bill to provide for the establishment of a National Center for Youth Development within the Cooperative Extension Service to conduct activities to improve community-based adolescent health promotion and education in rural areas, and for other purposes.

S. 951

At the request of Mr. DECONCINI, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 951, a bill to provide financial assistance for programs for the prevention, identification, and treatment of elder abuse, neglect, and exploitation, to establish a National Center on Elder Abuse, and for other purposes.

S. 965

At the request of Mr. MOYNIHAN, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 965, a bill to amend title 23, United States Code, and for other purposes.

S. 1034

At the request of Mr. HOLLINGS, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 1034, a bill to enhance the position of U.S. industry through the application of the results of Federal research and development, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. JOHNSTON, the names of the Senator from Delaware [Mr. ROTH], the Senator from Maine [Mr. MITCHELL], the Senator from Michigan [Mr. LEVIN], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 6, a joint resolution to designate the year 1992 as the "Year of the Wetlands."

SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from South Carolina [Mr. THURMOND], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate 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 36

At the request of Mr. PRESSLER, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of Senate Joint Resolution 36, a joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 38

At the request of Mr. THURMOND, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 38, a joint resolution to recognize the "Bill of Responsibilities" of the Freedoms Foundation at Valley Forge.

SENATE JOINT RESOLUTION 39

At the request of Mr. THURMOND, the names of the Senator from Florida [Mr. MACK] and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 39, a joint resolution to designate the month of September 1991 as "National Awareness Month for Children with Cancer."

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors 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 57

At the request of Mr. THURMOND, the names of the Senator from Utah [Mr. GARN], the Senator from Utah [Mr. HATCH], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 57, a joint resolution to designate the month of May 1991 as "National Foster Care Month."

SENATE JOINT RESOLUTION 95

At the request of Mr. PELL, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Ohio [Mr. GLENN], the Senator from Massachusetts [Mr. KERRY], the Senator from North Dakota [Mr. CONRAD], the Senator from Maine [Mr. COHEN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Idaho [Mr. SYMMS], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 95, a joint resolution to designate October 1991 as "National Breast Cancer Awareness Month."

SENATE JOINT RESOLUTION 99

At the request of Mr. GLENN, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Arizona [Mr. DECONCINI], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 99, a joint resolution designating November 24-30, 1991, and November 22-28, 1992, as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 113

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of Senate Joint Resolution 113, a joint resolution designating the oak as the national arboreal emblem.

SENATE JOINT RESOLUTION 115

At the request of Mr. MOYNIHAN, the names of the Senator from California [Mr. SEYMOUR], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 115, a joint resolution to designate the week of June 10, 1991, through June 16, 1991, as "Pediatric AIDS Awareness Week."

SENATE JOINT RESOLUTION 117

At the request of Mr. LAUTENBERG, the names of the Senator from Washington [Mr. GORTON], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Joint Resolution 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.

SENATE JOINT RESOLUTION 130

At the request of Mr. LAUTENBERG, the names of the Senator from Ohio [Mr. METZENBAUM], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 130, a joint resolution to designate the second week in June as "National Scleroderma Awareness Week."

SENATE JOINT RESOLUTION 131

At the request of Mr. LUGAR, the name of the Senator from California [Mr. SEYMOUR], was added as a cosponsor of Senate Joint Resolution 131, a joint resolution designating October 1991, as "National Down Syndrome Awareness Month."

SENATE JOINT RESOLUTION 134

At the request of Mr. BENTSEN, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Maryland [Ms. MIKULSKI], the Senator from Washington, [Mr. GORTON], the Senator from North Carolina [Mr. HELMS], the Senator from Utah [Mr. GARN], the Senator from Louisiana [Mr. BREAUX], the Senator from Ne-

braska [Mr. EXON], the Senator from Virginia [Mr. ROBB], the Senator from Georgia [Mr. FOWLER], the Senator from Mississippi [Mr. LOTT], the Senator from Idaho [Mr. CRAIG], the Senator from Idaho [Mr. SYMMS], the Senator from Michigan [Mr. RIEGLE], the Senator from Colorado [Mr. BROWN], the Senator from Ohio [Mr. METZENBAUM], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Joint Resolution 134, a joint resolution designating May 22, 1991, as "National Desert Storm Reservists Day."

At the request of Mr. COHEN, his name was added as a cosponsor of Senate Joint Resolution 134, supra.

At the request of Mr. PACKWOOD, his name was added as a cosponsor of Senate Joint Resolution 134, supra.

SENATE JOINT RESOLUTION 144

At the request of Mr. D'AMATO, the names of the Senator from Indiana [Mr. COATS], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 144, a joint resolution to designate May 27, 1991, as "National Hero Remembrance Day."

SENATE RESOLUTION 30

At the request of Mr. PACKWOOD, the name of the Senator from Oregon [Mr. HATFIELD], was added as a cosponsor of Senate Resolution 30, a resolution to express the sense of the Senate that the Willamette Meteorite should be returned to the State of Oregon.

SENATE RESOLUTION 125—RELATIVE TO THE BICENTENNIAL OF THE APPOINTMENT OF THE UNITED STATES' FIRST AMBASSADOR

Mr. DODD (for himself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 125

Whereas on February 21, 1791, the Senate gave advice and consent to the nomination of David Humphreys as Minister Resident from the United States to her most faithful Majesty and Queen of Portugal;

Whereas David Humphreys was a Connecticut son, decorated patriot and close friend of George Washington;

Whereas this appointment served as the opening chapter of United States diplomacy (Minister Resident being the direct precursor of Ambassador), and more specifically, of the United States' longstanding and honored relationship with Portugal;

Whereas Mr. Humphreys was presented at the Court of Lisbon as the Minister Resident to Portugal on May 22, 1791; and

Whereas the citizens of the towns of Derby and Ansonia, which once comprised Mr. Humphreys' town of Old Derby, take special pride in their native son, and are celebrating this important bicentennial: Now, therefore, be it

Resolved, That the Senate extends congratulations to the towns of Derby and Ansonia, Connecticut, on the occasion of the bicentennial of the appointment of David Humphreys as the United States' first Ambassador.

SENATE RESOLUTION 126—RELATIVE TO LINE-ITEM VETO

Mr. SMITH (for himself, Mr. COATS, Mr. MCCAIN, and Mr. DOLE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 126

Whereas Federal spending and the Federal budget deficit have reached unreasonable levels;

Whereas the duty of the President under the Constitution to ensure that the laws are faithfully executed prohibits him from expending funds in excess of revenues;

Whereas a line-item veto would enable the President to eliminate waste from the Federal budget before considering cuts in important programs; and

Whereas without this line-item veto, the practice of attaching riders onto bills and resolutions has become widespread and is thwarting the intent of the framers of the Constitution that the President have veto power over any measure passed by both Houses of Congress: Now, therefore, be it

Resolved, That, for the purpose of determining the constitutionality of the line-item veto, the Senate encourages the President to execute a line-item veto.

• Mr. SMITH. Mr. President, when our Founding Fathers drafted section 7 of the Constitution, they had never seen a pork-laden supplemental appropriation bill, a continuing resolution, or a budget reconciliation measure. If they had, I am certain that George Washington, Benjamin Franklin, James Madison, and the other 52 delegates present at the Convention would be supporters of the line-item veto.

Today I am introducing a very simple, but necessary, resolution that would encourage the President to execute a line-item veto. In 1987, the Wall Street Journal ran an editorial by Stephen Glazier, a private attorney practicing in New York, asserting that presidents already have the power to line-item veto legislation. Since that time, constitutional scholars have debated the issue thoroughly to no avail. There is no consensus.

Clearly, this is an issue that needs to be resolved. The President should select an appropriate test case, execute a line-item veto, and send the matter to the Supreme Court. If he wins, the taxpayers can save a few billion dollars each year. If he loses, supporters of the line-item veto will know that enhanced rescission power, or an amendment to the Constitution is required to discipline the big spenders in Congress.

Mr. President, no one contends that a line-item veto will balance the budget. It will, however, put some fairness and common sense into the budget process. Last year, Congress appropriated $94,000 to conduct apple quality research. Is that something we should be spending money on while we pile up a $3.5 trillion debt? Of course not.

I urge my colleagues to cosponsor this resolution so that the constitutionality of the line-item veto can be definititely determined by the courts.•

AMENDMENTS SUBMITTED

CENTRAL AMERICAN DEMOCRACY AND DEVELOPMENT ACT

HELMS AMENDMENT NO. 241

Mr. HELMS (for himself, Mr. SYMMS, and Mr. DOLE) proposed an amendment to the bill (S. 100) to set forth U.S. policy toward Central America and to assist the economic recovery and development of that region, as follows:

On page 8, insert after line 14 the following new section:

(4) to assist the Central American governments in attaining the goal they have set for their countries of enacting difficult economic reforms necessary to achieve their stated, inter-related policies of stimulating productivity and investment, developing human resources, and reforming fiscal and monetary policies in order to allow the countries of the region to compete in world and regional markets, provided that such proposals meet minimum free market standards for creating economic conditions which will maximize the probability of a positive rate of return on investment on an after-tax, inflation-adjusted basis for domestic and foreign investors alike, conditions historically characterized by—

(A) privatization of state-owned economic entities,

(B) establishment of full rights to acquire and hold private property, including land and the benefits of contractual relations, taking into account the recommendations of "The Presidential Task Force on Project Economic Justice",

(C) simplification of regulatory controls regarding the establishment and operation of business,

(D) dismantlement of wage and price controls,

(E) removal of trade restrictions, including restrictions both on imports and exports,

(F) liberalization of investment and capital, including repatriation of profits by foreign investors,

(G) tax policies which provide incentives for economic activity and investment,

(H) establishment of rights to own and operate private banks and other financial service agencies, as well as unrestricted access to private sources of credit; and

(I) access to a market for stocks, bonds, and other financial insurances through which individuals may invest in the private sector.

NOTICES OF HEARINGS

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. BINGAMAN. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Mineral Resources Development and Production Subcommittee of

the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 23, 1991, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony concerning S. 433, the Mining Law Reform Act of 1991, legislation which provides for the disposition of certain minerals on Federal lands.

Those wishing to submit written statements for the hearing record should deliver them to the Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Room 364, Washington, DC 20510. For further information, please contact Lisa Vehmas of the subcommittee staff at (202) 224-7555.

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that a field hearing has 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 hearing will take place May 30, 1991, beginning at 9 a.m. in the State Capitol Building, Sacramento, CA.

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.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on "The SEC and the Issue of Runaway Executive Pay" on Wednesday, May 15, 1991, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on May 15, 1991, at 10 a.m. in SR-332. The hearing will adddress the implementation of the trade title of the 1990 farm bill. For further information, please contact Lynnett Wagner of the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 14, 1991, at 9:15 a.m. to consider Senate Resolution 78, a resolution to disapprove the President's request for extension of the fast-track procedures under the Omnibus Trade and Competitiveness Act of 1988 and the Trade Act of 1974.

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

COMMITTEE ON ARMED SERVICES

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, May 14, 1991, at 2 p.m., to receive testimony on the Strategic Environmental Research and Development Program, in review of the fiscal years 1992-93 national defense authorization request.

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

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS, AND ALCOHOLISM

Mr. BIDEN. Mr. President, I ask unanimous consent that the Subcommittee on Children, Family, Drugs, and Alcoholism of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, May 14, 1991, at 9:30 a.m., for a hearing on "Investing in the Future: The Children's Investment Trust Act of 1991."

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BIDEN. 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, 10 a.m., May 14, 1991, to consider S. 341.

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 14, at 2:15 p.m. to hold a hearing on the Horn of Africa.

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

GOVERNMENTAL AFFAIRS COMMITTEE

Mr. BIDEN. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Tuesday, May 14, at 9:30 a.m., for a hearing on the subject: "Energy Efficiency in the U.S. Government."

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

SUBCOMMITTEE ON TERRORISM, NARCOTICS, AND INTERNATIONAL OPERATIONS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Foreign Relations Committee be authorized to meet during the session of the Senate on Tuesday, May 14, at 9:30 a.m. to hold a markup on the foreign relations authorization legislation.

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

ADDITIONAL STATEMENTS

EARNEST BROWN, TRUMAN SCHOLARSHIP RECIPIENT

• Mr. PRYOR. Mr. President, recently a former summer college intern in my Washington office was chosen for the prestigious Harry S. Truman Scholarship. Earnest Brown, a junior public administration major in the College of Business Administration at the University of Arkansas at Fayetteville, was selected for this coveted prize.

The April 1991 edition of the UofA publication "University Reflections" ran an article about Earnest that I would like to share with my colleagues.

Mr. President, this fine young man is most deserving of this scholarship and I am proud to have had him as a part of my college intern corps.

The article follows:

TRUMAN SCHOLARSHIP REWARDS BROWN'S PUBLIC SERVICE GOALS

(By Shirley A. Marc)

Earnest Brown, a junior public administration student in the College of Business Administration is a living example of "the importance of being earnest." This young man from Fulton exudes an energetic brightness that's contagious.

Brown's intelligence, quest for knowledge and openness to new experiences won him the prestigious $28,000 Harry Truman Scholarship.

The national Truman Scholarship allows one winner per state. Awards are given to juniors working toward careers in public service. Each student must be in the top third of his class and have an exemplary record of public, government or community service; outstanding leadership potential; intellectual depth and strong analytical ability.

Brown's sensitivity to social issues showed in his qualifying essay on "Teenage Pregnancy: A Problem Facing the Country Today." He believes that education is the key to reducing teenage pregnancy and hopes that someday he will be able to help solve the problem. After graduation he will use part of his scholarship to puruse a law degree.

Last summer Brown served as an intern in Senator David Pryor's office. He has also served on the University Programs Committee as fine arts chair, the All-Student Judicial Board, the Cardinal XXX Honor Society as treasurer, the Phi Eta Sigma National Honor Society as vice president, the Arkansas Union Governing Board as secretary, the Black Student Association as secretary, and

the Young Democrats and was included on the National Dean's List for 1988–1989.

Currently, Brown is participating in an undergraduate minority fellow program sponsored by the National Association of Student Public Affairs with Dean of Students Suzanne Gordon.

He is the son of Shirley and Earnest Brown Sr. of Fulton.●

HONORING HORACE MANN MIDDLE SCHOOL

● Mr. KASTEN. Mr. President, I rise today to call to my colleagues' attention an example of educational excellence—Horace Mann Middle School of Sheboygan, WI.

Horace Mann Middle School is one of 222 exemplary high schools honored by the U.S. Department of Education's 1990–91 Blue Ribbon Schools Program.

Mr. President, all the students, parents, faculty, and administrators of Horace Mann Middle School—and especially Principal Warren Brewer—deserve credit for making it a Blue Ribbon School. I ask all my Senate colleagues to join me in congratulating them on their achievement.●

WILLIAM H. "BILL" BRANDON SELECTED ABA PRESIDENT-ELECT

● Mr. PRYOR. Mr. President, recently the nominating committee of the American Bankers Association has selected Mr. William H. "Bill" Brandon as president-elect of the ABA for 1991–92.

Bill is a member of the ABA's board of directors and co-chairs the Deposit Insurance Reform Committee. He is a past chairman and ex-officio member of the Community Bankers Council. In addition, he has held numerous posts with the Arkansas Bankers Association, serving as president for the 1983–84 year.

Bill is president of the First National Bank of Phillips County in Helena, AR. He is a graduate of Washington and Lee University and received his master's degree in business administration from the University of Mississippi.

Mr. President, the ABA's nominating committee can make no finer selection than Bill Brandon for this position. His principles and dedication to the banking industry are of the highest caliber.

I know the membership of the ABA will resoundingly give him their support at their October convention in San Francisco when the slate of officers are up for election.●

DR. RUDOLPH BRUTOCO, "A LIFE-SAVER"

● Mr. SEYMOUR. Mr. President, I ask the Senate to join me in acknowledging the contributions of my constituent, Rudolph Brutoco, M.D., M.P.H., in establishing and guiding the Life-Savers Foundation to fight leukemia and other deadly diseases by forming a voluntary network of bone marrow donors.

Since Dr. Brutoco founded Life-Savers on September 11, 1988, over 300,000 Americans have responded to the organization's plea for volunteers. Dr. Brutoco's goal in founding Life-Savers was to increase the available donor pool to the point where virtually anyone in need for a marrow transplant would have one in time.

Two or more life-saving marrow transplants now occur daily in this country. If marrow donors were not available, over 9,000 Americans would die needlessly each year.

I ask my colleagues' help in spreading the world that donating marrow is a safe and relatively simple procedure. It is painless because the procedure is done with light anesthesia. Only 5 percent of a donor's marrow is taken, and the marrow is entirely replenished in about 10 days. The donor resumes normal activities the following day.

Marrow is difficult to match and donors difficult to find. The odds that two unrelated persons will match are 1 in 20,000. For 75 percent of patients, there is no matching sibling and they must rely on a matching stranger to provide the gift of life. The need for volunteers to be tested for marrow type and placed on file for a possible future match to an individual awaiting a transplant goes on.

Dr. Brutoco's work and the work of the Life-Savers Foundation has made a tremendous combination to expanding the pool of bone marrow donors. Please join me in extending our greatest thanks to Dr. Brutoco and all the volunteers who have made his work possible.●

TRIBUTE TO LORETTA LEVER, NATIONAL MINORITY ADVOCATE OF THE YEAR

● Mr. PRYOR. Mr. President, during National Small Business Week, May 5–11, Loretta Lever of Little Rock, AR, was honored as the National Minority Advocate of the Year by the U.S. Small Business Administration.

Loretta's selection marks the first time that a resident of Arkansas has been so honored.

Loretta Lever is the regional coordinator of the NAACP's Fair Share Economic Development Program in Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

On May 2, she and other small business winners were honored at a luncheon in Arkansas sponsored by the Arkansas State Chamber of Commerce and Associated Industries of Arkansas, Inc.

Loretta was selected, according to the Small Business Administration, for the creativity she has displayed in advancing programs and in the visible and measurable economic advances occurring as a result of her advocacy activities.

Reared in Fordyce, AR, Loretta Lever graduated from the University of Arkansas at Pine Bluff and was on the staff on Southwestern Bell Telephone before going full time with the NAACP.

Lever works with business in her five-State area to encourage them to employ, promote, and do more business with minorities. She also negotiates Fair Share agreements, which promote minority purchasing policies and programs, affirmative action programs, and moving minorities into senior management positions.

She sponsored a "Minority Business Roundup" during Minority Business Week, giving minority entrepreneurs the chance to make contacts in the business community. She also hosts trade shows and workshops and has established a regional economic development council to train and provide technical assistance for minorities in local projects.

Mr. President, this Nation's small business community needs more giving individuals like Loretta Lever. She is a role model for aspiring minority entrepreneurs who has dedicated her professional career to improving the plight of black businesses. I am proud to represent her in the U.S. Senate and wanted to bring her many accomplishments to the attention of my colleagues.●

IN RECOGNITION OF JOHN J. KEATING

● Mr. SEYMOUR. Mr. President, on Thursday, May 16, 1991, Mr. John J. Keating will be honored by the Anti-defamation League of B'nai B'rith as the recipient of its 1991 Outstanding Industry and Community Service Award.

Mr. Keating is being honored for his outstanding professional accomplishments, concern and commitment to the community. I am proud to join with the ADL in recognizing his contributions.

The ADL is the leading human rights agency in the country. It has a 78-year record of fighting bigotry and discrimination and working to ensure equal treatment for all Americans, regardless of race, creed, ethnic origin, or sex.

In honor of Mr. Keating, I ask that his biography be printed in the RECORD.

The biography follows:

John J. Keating is an industrious banker known throughout his industry for his competence and knowledge. A graduate of Queens College, he currently serves as President and Chief Executive Officer of CU Bancorp and Chairman of the Board and Chief Exceutive Officer of California United Bank, N.A. Prior to joining California United in 1982, he was a Regional Vice President of Union Bank and served in various executive capacities with Union Bank since 1975. From 1968 to 1973 he was with Bankers Trust Company in New York.

John is a compassionate person with a deep concern for the well-being of others. He has translated this concern into service to his community. John was the President of the Board of the Boys & Girls Club of San Fernando Valley for two years and currently serves as Vice President. He is a member of the Board of Trustees of the Southern California Chapter of the Multiple Sclerosis Society. He has served on the Board of Trustees of Sherman Oaks Hosptial and The Organization for the Needs of the Elderly. John was honored by the City of Hope in 1986 with the Spirit of Life Award.

John and his wife, Florence, who live in Bell Canyon, are the parents of three children.

The Anti-Defamation League takes great pride in honoring John J. Keating with the 1991 Outstanding Industry and Community Service Award.●

TRIBUTE TO WILLIAM H. BOWEN

● Mr. PRYOR. Mr. President, last December several hundred people gathered in the lobby of the First Commercial Corp., in Little Rock, AR, to pay tribute to William H. Bowen.

The occasion was Bill's retirement after 20 years with First Commercial and its predecessor, Commercial National Bank. Fortunately for First Commercial, Bill will remain on the board of directors and act as consultant to the $2 billion-asset bank holding company.

Bill's contribution to the banking industry and to the civic community to which he has devoted so much time and energy are immeasurable.

Bill Bowen was the driving force behind the formation of the First Commercial National Advisory Board. It is made up of native Arkansans who have gone on to become national business leaders who meet once a year to tackle problems unique to Arkansas. Recently, that board announced the formation of the Arkansas Research Center, a think tank. Bill plans to spend a good deal of time in his retirement devoted to the work of the center.

An avid aviation buff, Bill is chairman of a campaign to raise money for a proposed aviation-related high school and museum to be built at the Little Rock Regional Airport. At that December gathering, it was announced that a theater inside that complex would be named the William H. Bowen theater.

Mr. President, these few words are far from adequate in expressing the impact that Bill Bowen has had on our State. I wish him a long and prosperous retirement. And I also know that Bill has never been one to sit back and let the young fight for causes on behalf of our State. We shall be hearing more from him.

I am proud to represent fine citizens like Bill Bowen in the Senate and I am especially proud to call him my friend.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $0.4 billion in budget authority, and under the budget resolution by $0.4 billion in outlays. Current level is $1 million below the revenue target in 1991 and over the 5 years, 1991–95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $326.6 billion, $0.4 billion below the maximum deficit amount for 1991 of $327 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 13, 1991.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1991 and is current through May 9, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of Public Law 101-508). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of Senate Concurrent Resolution 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 6, 1991, there has been no action that affects the current level of spending or revenues.

Sincerely,

ROBERT F. HALE
(For Robert D. Reischauer).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG, 1ST SESS., AS OF MAY 9, 1991

[In billions of dollars]

	Revised on-budget aggregates [1]	Current level [2]	Current level +/− aggregates
On-budget:			
Budget authority	1,189.2	1,188.8	−.4
Outlays	1,132.4	1,132.0	−.4
Revenues:			
1991	805.4	805.4	(3)
1991–95	4,690.3	4,690.3	(3)
Maximum deficit amount	327.0	326.6	−.4
Direct Loan Obligations	20.9	20.6	−.3
Guaranteed loan commitments	107.2	106.9	−.3
Debt subject to limit	4,145.0	3,347.9	−797.1
Off-budget:			
Social Security outlays:			
1991	234.2	234.2	
1991–95	1,284.4	1,284.4	
Social Security revenues:			
1991	303.1	303.1	
1991–95	1,736.3	1,736.3	

[1] The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101-508).

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101-508) and in consultation with the Budget Committee, current level excludes $45.3 billion in budget authority and $34.6 billion in outlays for designated emergencies including Operation Desert Shield/Desert Storm; $0.1 billion in budget authority and $0.2 billion in outlays for debt forgiveness for Egypt and Poland; and $0.2 billion in budget authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a $1.1 billion savings for the Bank Insurance Fund that the Committee attributes to the Omnibus Budget Reconciliation Act (Public Law 101-508), and revenues include the Office of Management and Budget's estimate of $3.0 billion for the Internal Revenue Service provision in the Treasury-Postal Service Appropriations Bill (Public Law 101-509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50,000,000.

THE CURRENT LEVEL REPORT, FOR THE U.S. SENATE, 102D CONG, 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSE OF BUSINESS MAY 9, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			834,910
Permanent appropriations and trust funds	725,105	633,016	
Other legislation	664,057	676,371	
Offsetting receipts	−210,616	−210,616	
Total enacted in previous sessions	1,178,546	1,098,770	834,910
II. Enacted this session:			
Extending IRS deadline for Desert Storm troops (H.R. 4, Public Law 102–2)			−1
Veterans' education, employment and training amendments (H.R. 180, Public Law 102–16)	2	2	
Dire Emergency supplemental appropriations for 1991 (H.R. 1281, Public Law 102–27)	3,823	1,401	
Higher education technical amendments (H.R. 1285, Public Law 102–26)	3	3	
Total enacted this session	3,828	1,406	−1
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates	−8,572	539	
VI. Economic and technical assumption used by committee for budget enforcement act estimate	15,000	31,300	−29,500
On-budget current level	1,188,802	1,132,016	805,409
Revised on-budget aggregates	1,189,215	1,132,396	805,410
Amount remaining:			
Over budget resolution			
Under budget resolution	413	380	1

Note.—Numbers may not add due to rounding.●

CARPENTER FAMILY OF GRADY, AR: FARMING KEEPS THEIR DREAMS ALIVE

● Mr. PRYOR. Mr. President, in this year's edition of the USDA Agriculture Yearbook, the Carpenter family of Grady, AR, were highlighted.

Abraham and Katie Carpenter run what can truly be called a family farming operation. With the help of the Cooperative Extension Service and its programs, the Carpenters have a thriving fruit and vegetable farming operation.

I would like to share with my colleagues the excerpt from the 1990 Yearbook of Agriculture about these fine Arkansans.

The excerpt follows:

THE CARPENTER FAMILY: FARMING VEGETABLES AND FRUIT KEEPS THEIR DREAM ALIVE

Most people in Grady, a small community in southeastern Arkansas with a population of about 400, boast often about a unique farm family in their midst. This family has survived, living on the farm and growing vegetables and small fruit, for the past 15 years, while many others around them have failed at farming.

What is it that makes this family so special and so successful? Why have they succeeded at farming while others have not?

Abraham Carpenter, Sr., his wife Katie, and members of their family were close to losing their farm during the early 1970's, attempting to grow cotton and soybeans as a means of survival. They managed to secure a few dollars to keep their heads above water by selling peas grown on a quarter-acre plot adjacent to the family home. Then the Carpenters bought a small tractor and expanded the garden plot to 3 acres.

"In 1973, we were selling our produce out of our old car on a department store parking lot in Pine Bluff," Katie recalls. "We sold peas to roadside markets, but at that time we could only get about $1.75 per bushel." Today, peas bring between $4 and $12 per bushel, depending on the variety and time of year.

EXTENSION LENDS A HELPING HAND

Times would get better for the Carpenters, as people at the Cooperative Extension Program at the University of Arkansas at Pine Bluff (UAPB) played a vital role in helping them toward upward mobility. More important, Extension helped them keep alive their dream . . . that of staying on the family farm. "Everybody in the family wants to stay on the farm," says Katie. "The kids enjoy it and they make a living."

Abraham, Sr., who started this operation some 15 years ago, has turned the day-to-day marketing and other managerial aspects of the family business over to Abraham, Jr., who joined the business full time 8 years ago. But in this family everybody knows that Abraham, Sr., is still the boss. He presides over operations on the farm. "I decide who works in the fields and who goes to market in Pine Bluff and Little Rock," he says. "I usually stay in the field and monitor the irrigation of produce along with other duties."

Over the years, the UAPB Extension program has helped the Carpenters stay on the farm by assisting them in expanding and diversifying their meager 3-acre farm into a thriving 450-acre operation. Extension specialists and agents advised them on which vegetables to plant, how to fertilize, and which pesticides to use for weed and insect control, as well as the latest irrigation techniques, how to keep records, and the importance of soil testing. They also helped the Carpenters select the best kind of land to buy when the family made the decision to expand the operation.

The Carpenters now produce and market an impressive array of high quality vegetables and small fruit—including turnip greens, peas, okra, squash, Irish potatoes, sweet potatoes, blackberries, muscadines, spinach, broccoli, carrots, peppers, cucumbers, onions, peanuts, radishes, and mustard—to various markets throughout the State.

"We secure most of our own markets, which include the Pine Bluff and Little Rock farmers' markets, supermarkets, local restaurants, and some out-of-State outlets," says Abraham, Jr. The supermarket connections provide the volume and cash flow the Carpenters need to support an operation of this magnitude. Even though they have established themselves with the larger buyers, they still remain loyal to the farmers' markets, which account for about 55 percent of their income.

A HARD ACT TO FOLLOW

The Carpenters are an exception rather than the rule among vegetable farmers. Although many vegetable operations are family oriented, the Carpenters are probably in a class by themselves, as they involve all family members in cultivating, harvesting, and marketing vegetables and small fruit from their 450 acres. About 5 years ago, the Carpenters farmed 50 to 60 acres, all in vegetables.

"The decision was made to expand substantially when my younger brothers finished high school and decided to join the family business," recalls Abraham, Jr. "Our total family income is generated from our vegetable and small fruit operation."

With the help of UAPB Extension, the Carpenters have been able to grow in an organized manner. They have purchased a state-of-the-art vegetable washing and cleaning machine and four late-model refrigerated vans to carry their produce to market. They have devised an innovative method of cooling their vegetables, using an ice machine prior to going to market, and have had their land leveled using a precision laser technique that has reduced runoff and thus improved their irrigation system. Their watering system—a 160-foot well and tractor-powered pump, pipe for furrow irrigation, and a sprinkler system for spot irrigation—paid for itself in 7 years.

The Carpenters are a close-knit family and dedicated to their family business. The dedication is evident as it takes 16-hour days on the part of most family members to keep their large operation going. Most work days begin at 2:00 a.m. for the working crew, which numbers about 25. Abraham, Jr., his seven brothers and sisters, and other relatives by marriage make up this unique group. Katie prepares the meals while one or two of the younger daughters babysit the young.

The Carpenters' success can be traced to the family's work ethic, togetherness, a willingness to listen to recommendations from the Extension Service, and the insight to update their production and marketing techniques as new technology becomes available.

However, it is their unique family structure that contributes most to the success of the Carpenters. It is something special that is rarely found among American families today.•

TRIBUTE TO ROBERT BIGWOOD

• Mr. DURENBERGER. Mr. President, I rise today to salute an outstanding Minnesotan, Mr. Robert M. Bigwood. On Sunday, May 19, Bob Bigwood is receiving one of the highest accolades life can offer: the recognition, appreciation, and gratitude of friends and neighbors. He is being presented with the Fergus Falls Award of Honor.

A native of St. Thomas, ND, Bob moved to Minnesota after serving during World War II as a meteorologist in the U.S. Army Air Corps. He earned a degree in business administration from the University of Minnesota. Bob has, literally, been a powerhouse in Fergus Falls since he arrived in 1948 to work for the Otter Tail Power Co. He is an integral part of the company and the community. He shares his success with his wife Barbara and five children: Robert, Jr., Janet, Patricia, Chuck, and John.

Robert Bigwood signed on with the Otter Tail Power Co. as assistant personnel director; became the personnel director in 1949; moved to manager, employee relations, in 1962; to vice president in 1974; to president in 1975. He was elected to the board of directors in 1976 and to chairman of the board in 1982. Over the years, Bob has guided the company through the growth of expanding electric power capabilities and demands.

Bob's philosophy focuses on people rather than things. He has nurtured the company's reputation of being involved in civic affairs. The numerous organizations that Bob has been a member of proves that he gains satisfaction and enjoyment from the fellowship of serving people, and each has benefited from his talents and insight. He is active in the Methodist Church. He has been past president of the Fergus Falls Junior Chamber of Commerce, national director of the Jaycees, president of the Fergus Falls Chamber of Commerce, director and president of the Minnesota Chamber of Commerce, and a president of the Fergus Falls Kiwanis Club. For many years, Bob has been active in the United Fund, Courage Center, Fergus Falls YMCA, and Home Owners Savings Bank.

State and national organizations also seek Bob's participation and advice on a variety of issues. He served on the board of directors of the Edison Electric Institute and the Electric Information Council. Bob also served on the Minnesota State Advisory Committee and Task Force on Vocational Rehabilitation. He was a member of the Governor's Commission on Drug Abuse under Gov. Harold LeVander. Bob also has a history of activity in politics. He was chairman of Minnesota's Seventh Congressional District Republican Committee, vice chairman of the Republican State Central Committee, and delegate to the National Republican Conventions in 1964 and 1968.

Youth work and education capture Bob's attention, too. He has been heavily involved in the Boy Scout movement. And he is on the board of trustees for the North Dakota State Council of Economic Education and the Minnesota State Council of Economic Education. Perhaps one of his most visible accomplishments for education is the operation of the Fergus Falls Junior College. He is president of the college's

foundation board, and recently he was named to the Minnesota Community College Board.

Bob will continue to be active in retirement. Bob has served his neighbors with dedication, energy, and care. He truly deserves the Fergus Falls Award of Honor.●

TRIBUTE TO DR. HERMAN B. WELLS

● Mr. LUGAR. Mr. President, I rise today to introduce my colleagues to the chancellor of Indiana University, Dr. Herman B. Wells. On May 29, Dr. Wells will receive the B'nai B'rith's Great American Traditions Award. This award is given to individuals who have made significant contributions to mankind and to the quality and character of life in their communities.

Despite the very real demands made on him as former president, and now chancellor of Indiana University, Dr. Wells has dedicated a lifetime to humanitarian service. He has guided Indiana University into an important center of intellectual life. Alumni will recall him as a devoted teacher and adviser. Among fellow academics, he is known for his passionate defense of quality education which has contributed to Indiana University's reputation for advancing forums for the free exchange of ideas.

His professional life has been marked by scholarly achievements and a fervent drive for social change. His devotion to Indiana and the Nation, his caring for our cultural institutions and support for education have helped enrich our human development. His continuing involvement with civic and public service programs on a national and international level exemplify his spirit of altruism. His wise counsel and uncommon achievement have been recognized with numerous honors from some of the country's most respected institutions, including 26 honorary degrees.

Dr. Herman B. Wells is a man who adds to the dignity of mankind. I am proud to serve as an honorary chairman for the B'nai B'rith Great American Traditions Award in the company of Vice President DAN QUAYLE; Indiana Gov. Evan Bayh; my colleague Senator DAN COATS; Indianapolis Mayor William Hudnut; Thomas Ehrlich, president of Indiana University; Dr. Steven C. Beering, president of Purdue University; Rev. Theodor M. Hesburgh, CSC, president emeritus, University of Notre Dame; Richard B. Stoner, president Indiana University Board of Trustees as well as the general chairman Milton "Josh" Fineberg and Gerald Kraft.

I ask my colleagues to join me in saluting Herman Wells for his leadership and B'nai B'rith for continuing its 148-year tradition of concern for education, culture, and service to community, as well as its dedication to human dignity and interreligious understanding.●

REFUGEE SUPPLEMENTAL

● Mr. LEAHY. Mr. President, on Thursday, May 9, the Senate passed H.R. 2251, the emergency supplemental request for Iraqi refugee relief and to replenish emergency and disaster assistance accounts which had been depleted to provide urgent assistance to the Kurds and other refugee and disaster needs.

An amendment drafted by Senator KASTEN and me revising chapter II of that bill was adopted by the Senate and is correctly incorporated in the engrossed bill returned to the House. However, inadvertently an incorrect version of the amendment was printed in the CONGRESSIONAL RECORD which appeared on pages S. 5677 and S. 5697. Today, I would like to correct the RECORD by asking that the version of Senator KASTEN's and my amendment as correctly adopted by the Senate be printed in the RECORD at the conclusion of my remarks.

Mr. President, as coauthor of the amendment with Senator KASTEN, I would like to note the following for the Record. The bill makes available a total of $235,500,000 for emergency purposes. Of this amount, $150,500,000 will be used for emergency purposes in the Persian Gulf region. Under the language of section 203 of the bill, we anticipate that $85 million will be available to replenish accounts from which assistance was provided prior to the enactment of this act, not limited to the amount of such assistance provided in the gulf region. Nor is the language of section 203 limited to costs actually incurred before enactment of this act, and thus these funds could be used to replenish amounts that have been committed even if not yet obligated or expended. These funds could then be used under the broad authorities applicable to the disaster assistance and emergency refugee and migration assistance accounts. It is anticipated that the total amount of assistance provided for emergency purposes in the Persian Gulf region for fiscal year 1991 will exceed $235.5 million.

The amendment follows:

On page 4, line 24, strike all after the period through the period on page 9, line 16, and insert in lieu thereof:

CHAPTER II

DEPARTMENT OF STATE

DEFENSE COOPERATION ACCOUNT

For a portion of the expenses associated with the provision of emergency assistance, pursuant to section 251(b)(2)(D)(i) of Public Law 99-177, as amended, for refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait, and for peacekeeping activities and for international disaster assistance in the region, there is appropriated from the Defense Cooperation Account, $235,500,000, to be derived only from the interest payments deposited to the credit of such account, which shall be available only for transfer by the Secretary of Defense to "International Disaster Assistance," "Migration and Refugee Assistance," "United States Emergency Refugee and Migration Assistance," and "Contributions to International Peacekeeping Activities," as follows:

FUNDS APPROPRIATED TO THE PRESIDENT

BILATERAL ECONOMIC ASSISTANCE

INTERNATIONAL DISASTER ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "International Disaster Assistance," $67,000,000, to remain available until expended.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "Migration and Refugee Assistance," $75,000,000: *Provided*, That in addition to amounts otherwise available for such purposes, up to $250,000 of the funds appropriated under this heading may be made available for the administrative expenses of the Office of Refugee Programs of the Department of State: *Provided further*, That funds made available under this heading shall remain available until September 30, 1992.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

(TRANSFER OF FUNDS)

For an additional amount for the "United States Emergency Refugee and Migration Assistance Fund," $68,000,000, to remain available until expended: *Provided*, that the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 that would limit the amount of funds that could be appropriated for this purpose.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES

(TRANSFER OF FUNDS)

For an additional amount for "Contributions to international peacekeeping activities," $25,500,000, to remain available until September 30, 1992.

GENERAL PROVISIONS—CHAPTER II

SEC. 201. The authority provided in this chapter to transfer funds from the Defense Cooperation Account is in addition to any other transfer authority contained in any other Act making appropriations for fiscal year 1991.

SEC. 202. Funds transferred or otherwise made available pursuant to this Act may be made available notwithstanding any provision of law that restricts assistance to particular countries.

SEC. 203. Funds transferred pursuant to this chapter for International Disaster Assistance and the United States Emergency Refugee and Migration Assistance Fund may also be used to replenish appropriations accounts from which assistance was provided prior to the enactment of this Act.

SEC. 204. Amounts obligated for fiscal year 1991 under the authority of section 492(b) of the Foreign Assistance Act of 1961 to provide international disaster assistance in connection with the Persian Gulf crisis shall not be counted against the ceiling limitation of such section.

SEC. 205. The value of any defense articles, defense services, and military education and

training authorized as of April 20, 1991, to be drawn down by the President under the authority of section 506(a)(2) of the Foreign Assistance Act of 1961 shall not be counted against the ceiling limitation of such section.

SEC. 206. Funds made available under this chapter may be made available notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956.●

TRIBUTE TO MR. AND MRS. LEACH

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to an outstanding couple who have dedicated their lives to helping children. Essie and Hallie Leach are a husband and wife team from New Jersey who have been foster parents to over 200 children.

Taking care of over 200 children is a remarkable accomplishment. With each child, the Leaches have given generously of their love, their time and their own financial resources. Many of the older children have come from troubled backgrounds and the younger children have required constant attention. The Leaches have provided hands to hold and shoulders to lean on.

Mr. Hallie Leach is the pastor of Little Rock Holiness Church in Elizabeth, NJ. Mr. Leach, I am told, has been known to take over half an hour to proudly display the pictures in his wallet of his foster children. He is an exceptional human being and a true role model not only for the children, but also for foster parents.

Although Essie Leach was not able to grow up in a traditional family, she has opened her heart and her door to all children regardless of their nationality, physical condition, and background. Essie is mama to scores of children and her presence in these young lives has had an incredible impact. She possesses the patience and compassion that is needed to make foster children feel loved. Mr. and Mrs. Leach have won the respect and appreciation of those administering the State's foster care program.

Mr. President, giving of ourselves is the greatest gift we have to give. It is an honor to have the Leaches as constituents and I commend them for their dedication to children in need. I ask that an article about Mr. and Mrs. Leach be printed in the RECORD at the conclusion of my remarks.

The article follows:

[From the News Tribune, Dec. 27, 1990]

GUIDING LIGHT IN ISELIN

(By Mark S. Porter)

Christmas lights and wreaths adorn a modest Iselin house, but the true spirit of the season is inside.

This house belonging to Hallie and Essie Leach, married for 48 years, has been home, a true home, for scores of foster children through the years.

Hallie, 69, the pastor of Little Rock Holiness Church in Elizabeth, and his wife, Essie, 64, have had the patience to abide with, by their count, at least 219 youngsters from troubled families, and the love and wisdom to steer the children in proper directions.

It hasn't always been easy, of course, but the Leaches would not have it any other way.

Hallie said he and Essie have been foster parents for the past 39 years, starting with an 11-month-old infant when they lived in North Carolina before moving to the Iselin section of Woodbridge 18 years ago.

They have never had a child born to themselves, but they have adopted three children, including one who lives with them. They now are the foster parents for five other youngsters.

Sometimes the child's stay with the Leaches has been brief, and sometimes the child has grown up with Essie and Hallie.

"Our average child would stay with us until they get out of high school. After they get out, I would help set them up with their own place," Essie Leach said.

"They mostly have done pretty good out on their own," he said. "It's like a rabbit when you throw'em in a briar patch."

David Wesley grew up in the Leaches' home from the age of 5 to 17, when he enlisted in the U.S. Army. He now lives in the Avenel section of Woodbridge, plays bass guitar in the reverend's church, and is a frequent visitor to the Leach home.

"I know I had a real mother, but I still believe they [the Leaches] are my parents," Wesley said. "To me, it was a normal family. But we were closer than the average family. It didn't take long for us to come together and stick together."

Wesley described Essie and Hallie Leach as guiding forces in the lives of the foster children.

"They are strong people. He's always on the move, he never sits still for long. I can come over when I'm feeling a little down and, after looking at them, before long I feel better," Wesley said.

"I've seen him give his last dime when it was needed," Wesley said. "The man upstairs watches out for them. There should be more people like them around."

While Leach said he has been a foster parent to "all kinds, all colors, all nationalities," he said the children share one trait: They often arrive at his door with deepseated troubles.

"They hold it against you for the problems they have. They are mad at the world," Leach said, "If you ain't got patience, you can't do it."

Wesley said the childhood anger comes from fear and frustration, longing and a loss of love.

"A lot of it stems from your real parents giving you up," Wesley said. "I felt neglected and unwanted. Hey, if your real parents don't want you then heck, who wants you?

"They made me feel wanted," Wesley said of Essie and Hallie Leach.

"We were taught to get what we needed, not what we wanted," Wesley said of his upbringing in the Leach household. "That upbringing was very good for us."

As a young man, Hallie Leach worked in North Carolina, earning 50 cents for working 16 hours a day, plowing fields and picking cotton.

"She came to live with her uncle," Leach said of his future wife. "He was working for the same people I was working for. For three years Hallie romanced her, and when she turned 17 in 1943, they were married.

"The Bible says every generation gets weaker and wiser. You see kids today who are 10 years old having sex and doing drugs and killing people. This girl I married, I went three years without so much as laying a finger on her until the time was right."

According to Leach, there are caring people who have assisted his family, and numerous area business people who've given them aid.

"I want to thank Woodbridge for being so nice to us. I love my community. Thank God for my wife for helping me through these years, for the work we have done together," he said.

"It's been a lot of fun," Hallie Leach said of his foster children. "I have never regretted it. Every year, it gets better and better.

"You're only passing through once," he said. "You better do all you can, while you can, while you're passing through."

"I'm definitely proud of both of them," Wesley said. "We could never repay them for all they have done."●

IN SUPPORT OF THE CIVIL RIGHTS ACT OF 1991

● Mr. SIMON. Mr. President, I rise today to express my strong support for the Civil Rights Act of 1991 and to share with my colleagues a resolution of support from the Illinois House of Representatives.

Passing the Civil Rights Act of 1991 is more than just a statement from Congress that employment discrimination is wrong and that victims of discrimination are entitled to their day in court. Passing the Civil Rights Act of 1991 will bring real relief to employees who have been subject to sexual harassment or who have been discriminated against in hiring or promotion.

This week, I received a copy of a resolution approved by the State of Illinois House of Representatives in favor of the Civil Rights Act of 1991. Illinois House Resolution No. 369 underscores that "in order for Illinois and the Nation to survive in the international marketplace, we must utilize the talents of all citizens." I agree. Minorities and women are entering the work force in ever increasing numbers. We can not afford to have millions of people in the work force who are without recourse to basic protections against discrimination.

The Illinois House resolution also states, "Minorities, men and women, deserve an equal opportunity to work and an equal opportunity to advance." That is what the Civil Rights Act of 1991 stands for. The Civil Rights Act helps ensure that the most qualified person gets the job or the promotion and is not kept back by discrimination based on race, gender, religion, disability or age.

I ask that the previously described resolution be printed in the RECORD.

The resolution follows:

HOUSE RESOLUTION NO. 369

Whereas, employment is the backbone of a healthy society; and

Whereas, there are 120 million workers in the United States, 54 million are women, and 16 million are minorities; and

Whereas, these groups need adequate protections against discrimination as their participation in the workforce increases; and

Whereas, the Civil Rights Act of 1990 would have removed barriers which stand in the way of minority integration into the work force, but the Republican Party, led by President George Bush, opposed the enactment of these fairness principles; and

Whereas, minorities, men and women, deserve an equal opportunity to work, and an equal opportunity to advance; and

Whereas, in order for Illinois and the nation to survive in the international marketplace, we must utilize the talents of all citizens; and

Whereas, the federal Civil Rights Act of 1990 would have restored and strengthened civil rights protections, assuring that victims of intentional discrimination have judicial recourse, but were vetoed by President Bush; and

Whereas, President Bush' veto of the Civil Rights Act of 1990 has prevented victimized employees, not only in Illinois but nationwide, from protection against discrimination based on gender, age, religion, disability or race; and

Whereas, the Civil Rights Act of 1990 has been reintroduced in Congress as H.R. 1; and

Whereas, as duly elected officials, it is our sworn duty to uphold the Illinois Constitution which prohibits all forms of discrimination; therefore be it

Resolved, by the House of Representatives, of the Eighty-Seventh General Assembly of the State of Illinois, That we urge the members of the Illinois Congressional Delegation to support H.R. 1 so that the rights of all citizens are protected, and be it further

Resolved, That we further urge President Bush to end his opposition to these important protections of law and to give his support to the Civil Rights Act of 1991; and be it further

Resolved, That suitable copies of this resolution be presented to each member of the Illinois Congressional Delegation.•

A TRIBUTE TO PROJECT UPTOWN—A PROJECT IN THE WAR ON DRUGS AND CRIME THAT WORKS

• Mr. D'AMATO. Mr. President, recently the FBI reported the alarming fact that our already very high violent crime rate increased by another 10 percent last year, with robbery up 11 percent, rape up 9 percent, and murder and aggravated assault both up 10 percent.

While the Nation's robbery rate increased 11 percent last year, one project instituted by the Bureau of Alcohol, Tobacco and Firearms [BATF] with the New York Housing Authority Police [NYHAPD] helped reduce the robbery rate by 40 percent in the area where it operates, HAPD Police service area Nos. 5 and 6 in Harlem.

This project, Project Uptown, targets the use of firearms by violent criminals involved in narcotics-related crimes in public housing. In the year since it began on March 1, 1990, Project Uptown has proven a model of cooperation between Federal and local officials. The commitment of the New York Housing Authority and its police has been full and decisive.

Besides helping to reduce the robbery rate, Project Uptown has produced these other impressive results: 90 search warrants executed; 307 arrests; 53 firearms recovered or seized; $89,214 in currency seized or recovered; 5 vehicles seized; 8,693 vials of crack cocaine seized; 2,200 one-half grams of crack seized; 7.5 ounces of crack recovered; 7.0 ounces of cocaine powder recovered; 159 one-half grams, tins, of cocaine recovered; 706 vials of cocaine powder recovered; 7.0 ounces of heroin recovered; 638 glassine packages of heroin recovered; 40 fluid ounces of PCP recovered; and 20 ounces, powder, PCP recovered.

Incredibly, despite these achievements, the fiscal year 1992 budget request for BATF actually proposes an $884,000 cut in the $1,860,000 budget for Project Uptown. That is exactly the kind of cut we cannot tolerate. It must not and it will not stand.

In closing, Mr. President, I would like to commend Steve Higgins, the Director of BATF; Charles Thomson, the special agent in charge of BATF operations in New York; and Senators DECONCINI and DOMENICI, whose support for Project Uptown in the Treasury Postal Appropriations Subcommittee have been absolutely crucial to the success of this program. As the Congress searches for more effective ways to fight back against our national crime emergency, it would do well to look to Project Uptown, a real model that works. As our worsening crime rate shows, this country needs not one, but literally hundreds of Project Uptowns.•

LEAD EXPOSURE REDUCTION ACT OF 1991—S. 391

• Mr. JEFFORDS. Mr. President, next month, I anticipate that the Environment and Public Works Committee will mark up Senator REID'S Lead Exposure Reduction Act. I am proud to be a cosponsor of this initiative. Too many children are being injured by lead in their environment. We need to take action now and I urge my colleagues to support this bill.

In deciding to cosponsor this bill, I wondered that future generations might think of this legislation. Would they think we acted wisely by trying to limit the distribution of lead in our environment. I believe they would.

Looking back through history, I find that past generations have faced this dilemma before. I would like to quote from a 1921 article in the Journal of the American Water Works Association by George A. Johnson. Mr. Johnson states that in the 1890's, "1 in every 35 persons in the United States contracted typhoid fever, but the lay public say nothing particularly alarming in that, reasoning that about so many people every so often were destined to enter the realm of darkness by reason of various and sundry disorders * * *. But a few men, more given to serious thinking than their fellows, and more skilled in the arts and sciences, took counsel among themselves and decided that the existing state of affairs was entirely unseemly."

Mr. President, the present state of affairs is entirely unseemly. Three million children are being lead poisoned and few seem particularly alarmed by this. While few may be dying, many will be entering a different realm of darkness—a realm where they cannot compete for tomorrow's jobs because they are educationally impaired today. To my colleagues I ask, let us be those few men, more given to serious thinking, and take counsel among ourselves. Let future generations believe that we did our jobs well.

It is not my goal in supporting this bill to put the lead industry out of business. Lead has many vital uses for which there is no substitute. These uses are protected in the bill. While some additional changes to the bill may be necessary, I strongly urge my colleagues to support this bill.•

U.S. ARMY CORPS OF ENGINEERS

• Mr. GORTON. Mr. President, it is with great honor that I rise today to pay tribute to the U.S. Army Corps of Engineers. This distinguished group is being awarded the 1991 Outstanding Civil Engineering Achievement Award for the massive recovery effort on Mount St. Helens after the May 18, 1980, eruption.

This award, presented yearly by the American Society of Civil Engineers, recognizes engineering projects that demonstrate outstanding engineering skills and represent the greatest contribution to civil engineering society in the country.

Mr. President, much of the work done by the corps will never be seen. During the past 10 years since the devastating eruption, they have worked to insure that floods will not occur, homes and communities will not be destroyed, and economic losses will not transpire. They have added stability to a region that not long ago was living in the shadows of disaster.

The 1980 eruption unleashed massive destruction on the Pacific Northwest. The volcano ejected billions of cubic yards of debris, rock, mud, and ash; but, this was only the beginning. The corps responded immediately to the challenge of maintaining control in an uncontrollable time and region. Today, the Mount St. Helens area is once again peaceful.

The corps consistently treated the volcano as a unique natural laboratory. Through studying the effects of exploration and construction on water quality and monitoring the natural recovery of fish, wildlife, and plant species, we have gained invaluable knowledge.

Mr. President, for many scientists, this experience created a window of opportunity. They looked at disaster and constructed building blocks for the future. As a result, the international scientific and engineering community now have a wealth of new information and technology available to them.

Mr. President, I commend the U.S. Army Corps of Engineers for their diligent respect for the Mount St. Helens region. It is an inspiration to recognize the immense success they accomplished both for the scientific community and for the residents of the Pacific Northwest. I am pleased to honor and congratulate the U.S. Army Corps of Engineers as the recipient of the 1991 Outstanding Civil Engineering Achievement Award.●

REMOVAL OF INJUNCTION OF SECRECY

Mr. BIDEN. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from an amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (Treaty Document No. 102-4), transmitted to the Senate today by the President; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, an Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted at London on June 29, 1990, by the Second Meeting of the Parties to the Montreal Protocol. I am also enclosing, for the information of the Senate, an unofficial consolidated text of the Montreal Protocol that incorporates the Amendment, as well as the adjustments also adopted on June 29, 1990, under a tacit amendment procedure, which provide for a phaseout of CFCs and halons by the year 2000. The report of the Department of State is also enclosed for the information of the Senate.

The principal features of the Amendment, which was negotiated under the auspices of the United Nations Environment Program, are the addition of new controlled substances (other CFCs, carbon tetrachloride, and methyl chloroform), reporting requirements on transitional substances (HCFCs), and provisions concerning financial and technical assistance to developing countries to enable them to meet their control measure obligations. As such, the Amendment, coupled with the adjustments, will constitute a major step forward in protecting public health and the environment from potential adverse effects of stratospheric ozone depletion.

The Amendment enters into force on January 1, 1992, provided that 20 Parties to the Montreal Protocol have deposited their instruments of ratification, acceptance, or approval. Ratification by the United States is necessary for effective implementation of the Amendment. Early ratification by the United States will encourage similar action by other nations whose participation is also essential.

I recommend that the Senate give early and favorable consideration to the Amendment and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *May 14, 1991.*

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the majority leader, pursuant to section 2553 of Public Law 101-647, appoints the following individuals to the National Commission on Financial Institution Reform, Recovery, and Enforcement:

The Honorable Joseph Califano, of the District of Columbia; and

Dr. Robert E. Litan, of the District of Columbia.

The Chair, on behalf of the President pro tempore, and upon the recommendation of the chairman and ranking minority member of the Committee on Energy and Natural Resources, pursuant to provisions in Public Law 101-628, appoints the following individuals to the Civil War Sites Advisory Commission:

James McPherson, of New Jersey;

Ken Burns, of New Hampshire; and

William J. Cooper, Jr., of Louisiana.

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. Peter M. Leslie, of Maine, to the National Commission on Responsibilities for Financing Postsecondary Education.

The Chair, on behalf of the majority leader, with the concurrence of the Speaker of the House of Representatives, pursuant to Public Law 99-660, as amended by Public Law 100-436, announces the selection of the Honorable Ann Richards, Governor of Texas, to serve as a representative of State government on the National Commission on Infant Mortality.

APPOINTMENT OF CONFEREES—H.R. 707

The PRESIDING OFFICER. Under the authority granted on April 18, the Chair appoints the following Senators to serve as conferees on H.R. 707, the Commodity Futures Improvements Act of 1991.

The Presiding Officer appointed Mr. LEAHY, Mr. BOREN, Mr. HEFLIN, Mr. CONRAD, Mr. LUGAR, Mr. DOLE, and Mr. COCHRAN conferees on behalf of the Senate.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

CHEMICAL WEAPONS

Mr. PELL. Mr. President, I welcome President Bush's announcement that the United States is prepared to forswear retaliation with chemical weapons against chemical attack. This is a profound change in the United States' position—a change I have long advocated. I also welcome the President's statement that we are prepared to agree to destroy all of our chemical weapons stock. These decisions put the United States in the forefront of nations seeking a multilateral agreement to banish chemical weapons from the face of the Earth.

The President has drawn on the gulf war experience, in which we faced a foe with a large chemical weapons stockpile, to decide that the United States does not need chemical weapons or the ability to threaten their use in order to deal militarily with threats to us and our allies. Any nation that considers using chemical weapons should know that although we will not turn to chemical weapons, such an attacker will, nonetheless, pay a very heavy price.

The President will receive strong bipartisan support for this initiative. We all want an early conclusion of the Geneva talks. The Committee on Foreign Relations will receive testimony on this subject May 22 from Ambassador Ronald Lehman, the Director of ACDA, and Ambassador Stephen Ledogar, Chief Negotiator at the Conference on Disarmament in Geneva.

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

THE CONFIRMATION OF WILLIAM FREMMING NIELSEN AND FREDERICK VAN SICKLE

Mr. GORTON. Mr. President, I take this opportunity to congratulate William Fremming "Frem" Nielsen and Frederick Van Sickle on their confirmation and appointment to the Federal District Court for the Eastern District of Washington State. They are two of the finest judicial candidates Washington has to offer, and I am con-

fident they will prove to be superb Federal judges.

A selection committee suggested by the president of the Washington State Bar Association recommended Frem Nielsen and Fred Van Sickle to me from a pool of 14 highly qualified applicants. The speedy and unanimous confirmation by the Senate testifies to the high quality, intellect, and high moral standing of these two judges.

In addition to superb individual qualifications, these two men uniquely bring two diverse yet complementary backgrounds and views to the court. Their joining the same Federal bench yields a result that truly is greater than the sum of its parts.

Judge Van Sickle has spent the great bulk of his career in public life. He practiced law in a county seat of a thinly populated area in central Washington, a town of fewer than 1,000 people. He was elected prosecuting attorney for Douglas County and subsequently appointed by then Governor, later Senator, Dan Evans to the superior court, where he has served for more than 15 years. He became one of the outstanding superior court judges in the State of Washington, and will bring his judicial skills and experience to the Federal bench.

Frem Nielsen, in an exquisite balance, comes from Spokane, the largest city in the Eastern District of Washington. He is one of a relatively small number of Washingtonians who began his life and education in Seattle and moved to the eastern part of the State, where he has long been a member of one of the region's most distinguished law firms. He has involved himself in the affairs of that community in a way which has contributed both to the growth of Spokane and to making it a better place in which to live. He truly is one of that city's outstanding citizens, as well as one of its outstanding legal practitioners. I know his career on the Federal bench will be no less exemplary.

Mr. President, I wish to thank my colleagues in the U.S. Senate and especially those of the Senate Committee on the Judiciary. The timely confirmation of these two judges provides my home State with remarkable and competent public servants, and for this, I appreciate the efforts of this body. They will serve the eastern district of Washington, the State as a whole, and ultimately the Nation ably and with distinction.

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

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

DAY OF RECKONING FOR YUGOSLAVIA

Mr. DOLE. Mr. President, tomorrow, May 15th, will be a day of reckoning in Yugoslavia—and I hope the world will be watching.

The representative to the Yugoslav Presidency from the Republic of Croatia, Stipe Mesic, is scheduled to take over the position of President from Borisav Jovic, the hardline Communist representative from the Republic of Serbia.

This event should signal to the world whether democracy is truly on the rise for all of Yugoslavia—tomorrow will be the first time in 45 years that the Federal Government and the Yugoslav Army—the last truly Communist Yugoslav institutions—will come under the authority of a democratic leadership. Unfortunately, while this transfer of authority is only a day away, we cannot be certain that it will actually take place.

Yugoslavia has been on the brink of civil war. In fact, some claim it has already begun. Only a year ago, the Republics of Croatia and Slovenia said "no" to communism and elected governments committed to democracy and free-market economies. To my great disappointment, the hope felt by the people of Croatia and Slovenia after shedding the shackles of communism has evolved into fear of a new crackdown by the Communist-dominated federal army.

Most of the incidents of violence we have seen in the past weeks have occurred in the Republic of Croatia. Cities and villages have come under siege by roving bands of armed militants. More than 20 people have died as a result of the violence, including 12 Croatian policemen, some of whose bodies were found mutilated.

These militants claim to represent the Serbian minority in Croatia, who account for about 11 percent of the population. But, there is increasing evidence that many of these militants are not disaffected Croatian residents, but rather are from the Republic of Serbia—sent to Croatia by hardline Serbian President Milosevic to foment violence and to create a climate in which the Yugoslav Army has an excuse to march in and declare martial law.

Under such a trumped-up scenario, the authority of the democratic republic governments would be suspended, and the Communist army would rule by fiat.

So far, that point has not yet been reached. However, the Yugoslav Army, since last week, has been on combat alert and is threatening to take matters into its own hands. It has also deployed additional units into Croatia from neighboring republics. While we do not have complete reporting on the activities of these army units, it appears that they are putting a higher priority on preventing the Croatian Government from restoring order than helping it to do so. Last week, there were also reports of the Yugoslav Army airlifting additional troops into Slovenia. One Croation official described the army's activities as a "kind of creeping coup."

Mr. President, many are asking what has led to these political convulsions? There are catchy phrases such as "ethnic hostilities," but they do not provide a complete explanation. The explanation for this turn of events is, in reality, that the Communists are attempting to protect and restore their power under the guise of helping a repressed minority and preventing the disintegration of the country. The truth is, it is the Communists and the extremists who are conducting these military and terrorist activities, who are the enemies of democracy, and who are really forcing the breakup of Yugoslavia.

Mr. President, individual freedom, human rights, the rights of minorities, can only truly be promoted and protected in a democracy. I urge all of the people in Yugoslavia to support democracy and peaceful means of resolving disputes and to reject violence and those who advocate its use.

Mr. President, I cannot predict the future of Yugoslavia, and I do not believe that the United States should advocate any particular option for the future structure of Yugoslavia. I do, however, believe that the United States must support democracy and the democratic republic governments—and firmly oppose the use of force by the Yugoslav Army or by terrorists to undermine the democratic process in Yugoslavia. It is those people who are really destroying Yugoslavia. The clock is ticking—the day of reckoning is just around the corner. I urge all of us to watch and to speak out if the day of reckoning turns into a day of tragic retreat for the forces of freedom.

ONE HUNDRED DAYS OF THE CRIME BILL

Mr. DOLE. Mr. President, last week, the House of Representatives passed the Brady bill. It is no secret that there will be some disagreements in this body on the Brady legislation:

Disagreements on how much it can really do to keep handguns out of the hands of criminals, and disagreements over whether the intent of the Brady bill would be better served wrapped into a comprehensive anticrime package.

There can be no disagreements, however, over the fact that crime continues to be a national outrage.

President Bush has sought to stem the tidal wave of crime by presenting us with a strong package of legislation, and he has asked us to pass it within 100 days.

We have now passed the half-way point in that 100 day clock and still, no action. As of today, there are only 37 days left on the clock and, still no action.

Sixty-three days have passed, Mr. President, 63 days in which criminals continued to wage war against law-abiding Americans, 63 days in which approximately another 3,000 Americans were murdered, another 15,000 women raped, another 75,000 the victims of robbery.

Mr. President, we cannot combat violent crime by ignoring it.

We need a constitutionally sound death penalty. We need to curb the abuse of habeas corpus procedures, so that criminals cannot tie our judicial system in knots with unlimited appeals and delays.

We need a good faith exception to the exclusionary rule, so that the guilty will be convicted by evidence seized by law enforcement officers in good faith. And we need stronger rights—for victims for a change.

We can put criminals on notice that enough is enough by passing the President's bill without delay.

We have debated those issues before. We ought to know what the American people want by now: They want tough laws, and tough votes in the U.S. Senate.

Crime is not a partisan issue: Let us face it, a robber does not ask if you are a Republican or a Democrat before he sticks a gun in your ribs.

We owe the American people, and all victims of crime, much more than turning our backs on the President's crackdown on crime. All of us can share in the credit by passing the President's bill, just as all of us will share in the blame by ignoring the 100-day clock and by ignoring the pleas of the American people.

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

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

NATIONAL DESERT STORM RESERVISTS DAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 134, a joint resolution designating May 22, 1991, as "National Desert Storm Reservists Day" and that the Senate proceed to its immediate consideration; that the joint resolution be deemed read a third time and passed; that the preamble be agreed to; that the motion to reconsider be laid upon the table, and that a statement by Senator BENTSEN be printed in the RECORD.

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

So the joint resolution (S.J. Res. 134) was deemed read a third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 134

Whereas Operation Desert Shield/Desert Storm was the first Presidential call-up of members of the reserve components of the United States Armed Forces in over two decades;

Whereas the Secretary of Defense authorized the call to active duty of 360,000 members of the Ready Reserve;

Whereas in excess of 223,000 of the members of the Ready Reserve were actually ordered to active duty and 106,000 served in the Kuwait Theater of Operations of Desert Shield/Desert Storm;

Whereas tens of thousands of additional members of the Ready Reserve have volunteered or have been called to active duty to serve at bases in the United States and other parts of the world;

Whereas on January 16, 1991, the date Operation Desert Storm commenced, over 188,000 personnel and 375,000 short tons of equipment had been airlifted by the Air Force Reserve to Saudi Arabia;

Whereas members of the Army Reserve promptly addressed urgent water-purification, supply distribution, and other support needs;

Whereas members of the Navy Reserve supported air operations with C-9 aircraft and performed important medical, logistics support, intelligence and cargo handling missions;

Whereas members of the Coast Guard Reserve provided port security and supervised and controlled the loading of explosives and other hazardous materials;

Whereas members of the Air National Guard in conjunction with the Air Force Reserve flew 42 percent of the strategic airlift missions and 33 percent of the aerial refueling missions;

Whereas members of the Army National Guard made important contributions by providing military police and movement control assistance;

Whereas on January 13, 1991, a total of 146,106 Selected Reservists had been called to active duty;

Whereas on February 28, 1991, the date combat operations in Operation Desert Storm ceased, a total of 222,614 members of the Ready Reserve had been called to active duty, including 202,337 Selected Reservists and 20,277 members of the Individual Ready Reserve; and

Whereas members of the reserve components of the United States Armed Forces performed in an exemplary fashion during Operation Desert Shield/Desert Storm: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 22, 1991, the Wednesday of "Armed Forces Week"; is designated as "National Desert Storm Reservists Day" to commemorate the accomplishments of the men and women of the reserve components of the United States Armed Forces who proudly served the United States during Operation Desert Storm, and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.

Mr. BENTSEN. Mr. President, as we approach National Armed Forces Week, it is important for us to pay tribute to members of the Reserves and National Guard of Operation Desert Shield and Desert Storm. Legislation that I introduced, Senate Joint Resolution 134, commemorates our Reserve Component Forces and their families by designating May 22, 1991, as "National Desert Storm Reservists Day."

Oliver Wendell Holmes once said "the noblest service comes from nameless hands." I believe that the 223,000 members of the Ready Reserves called up to help free Kuwait could be placed among this honorable company. They had to leave their families, their jobs, and their homes to answer the Nation's call. Nevertheless, their sacrifices were our country's gain.

It has been two decades since the United States has had a major callup of its Ready Reserves. In all, about 223,000 members of the Reserves and National Guard were summoned for the war. More than 100,000 reservists and guardsmen were actually sent to the Middle East to halt and to ultimately reverse Saddam Hussein's aggression. Not in the Kuwait theater of operations, but instead serving in vital support roles elsewhere, were other activated members of the Ready Reserves.

The concept of a total force policy was tested and proved valid during Operation Desert Shield and Desert Storm. Both directly and indirectly, members of the Reserves and National Guard were essential to our swift and decisive victory against Iraq. Their work included supply distribution, intelligence missions, aerial refueling, and combat operations. Performance reports indicate they met, even exceeded our expectations of them.

As these men and women return to civilian life, we do not want to overlook their significant contributions during the war. I ask that you join me in honoring members of the Reserves and National Guard on May 22, 1991: "National Desert Storm Reservists Day."

ORDER FOR STAR PRINT—S. 3

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 3 be star printed to reflect the changes that I now send to the desk.

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

ORDERS FOR TOMORROW

Mr. BIDEN. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today it stand in recess until 10 a.m., Wednesday, May 15; that following the prayer, the Journal of proceedings be deemed approved to date; and that the time for the two leaders be reserved for their use later in the day; and that the Senate stand in recess from 12:30 p.m. to 2:30 p.m., Wednesday.

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

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

Mr. MITCHELL. Mr. President, am I correct in my understanding that the Senate has previously agreed to the time for reconvening tomorrow?

The PRESIDING OFFICER. The order is for 10 o'clock.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess, as under the previous order, until 10 o'clock tomorrow morning.

Thereupon, the Senate, at 6:42 p.m., recessed until Wednesday, May 15, 1991, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 14, 1991:

DEPARTMENT OF STATE

ROBERT H. PELLETREAU, JR., OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARAB REPUBLIC OF EGYPT.

DEPARTMENT OF THE TREASURY

MARY CATHERINE SOPHOS, OF CALIFORNIA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE BRYCE L. HARLOW, RESIGNED.

INTERNATIONAL MONETARY FUND

QUINCY MELLON KROSBY, OF NEW YORK, TO BE U.S. ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF 2 YEARS, VICE CHARLES S. WARNER, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. RAYMOND P. ILG, U.S. NAVY [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. KENNETH C. MALLEY, U.S. NAVY [redacted]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MICHAEL J. MALBIN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 26, 1994, VICE GARY L. MCDOWELL.

HARVEY C. MANSFIELD, JR., OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 26, 1994, VICE JEANNE J. SMOOT.

EXTENSIONS OF REMARKS

ONE OF A KIND-ALWAYS HERMAN IVORY

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. VANDER JAGT. Mr. Speaker, "he gave it certainly what we would say 110 percent." How many of us would like to hear those words about our service to our community and to our fellow citizens as we are faced with the prospect of having to snatch victory from the jaws of an emotional defeat.

Well, Herman Ivory, the first African-American elected to the Muskegon County Board of Commissioners, deserves that accolade, and more, as he pursues alternative ways to serve his community in his first year as a spectator in board meetings after two decades of distinguished service.

But then Herman Ivory, a man who blazed trails even as a young serviceman in the 1940's, has a long record of serving—and we are all the better for his interest in his community and his dedication to elected public service. From his years as a Muskegon Heights City Council member through his 20 years on the Muskegon County Board, and now as a member of the county road commission, Herman Ivory has been a quiet, effective, and balanced voice for the citizens he represented. It is not often that, in local politics, the leader of the opposition party on a board or commission is willing to say of his counterpart "He's a neat gentleman and we're going to miss him * * *. He worked quietly and professionally to get things done."

And Herman Ivory got things done. And we are all the better for it. I offer for my colleagues an article on the career of service, dedication and interest of Herman Ivory to the citizens of Muskegon County which appeared as his formal elected term drew to a close last winter.

HERMAN IVORY STEPS BACK FROM A CAREER OF BREAKING BARRIERS AND LEADING

(By Lynn Moore)

Herman Ivory was left alone on the field, still standing at attention.

The other 2,000 or so medical corpsmen who had just finished Marine basic training had, one by one, heard their names called, heaved their duffel bags over their shoulders and headed on to their assignments.

Ivory thought he knew where he was going because back in the 1940s all black medical specialists went to E Company. While their white counterparts had fretted about their destinations, Ivory and his friends of color had joked they knew all along where they were headed.

But there he stood, all alone. He had waited four hours for his orders, the southern sun was getting hot and he began thinking something was terribly wrong.

He was called into the commander's office and the news was broken to him. He was being sent to the Sixth Marine Division and would be the first black corpsman to join the division's medical team.

It was the late '40s and he was going to be a trail blazer.

It would not be the first time he stood alone—a trail blazer among a sea of white faces.

Herman Ivory was the first African-American person elected to the Muskegon County Board of Commissioners. It was 1969 and even after 5 years on Muskegon Heights City Council, Ivory wasn't sure he was ready for county politics.

He was used to working with fellow councilmembers to improve their city, but now he had to think about rural areas and other small cities. He had to think about the county as a whole.

He learned to fit in. He learned the likes and dislikes of fellow commissioners and their "little quirks." And pretty soon, county politics suited him just fine.

Along the way he became involved in State and national politics, serving as chairman of the Michigan Association of Counties for six years and as chairman of the youth employment and employment and training committees of the National Association of Counties.

Ivory has put in his years on the board—20 to be exact. No current commissioner has served longer. He finished a 2-year term as chairman when he resigned his seat Thursday to take an appointment to the county road commission, but his tenure on the board would have ended this year anyway.

Many election watchers were shocked as the voter returns rolling in the night of the August primary showed Vivaion Witherspoon was beating the veteran commissioner. Ivory was synonymous with Muskegon County politics and his defeat was at hand.

Ivory, too, was despondent. At the Democrats' "victory party" at a local bar that night, he stopped in just long enough to swear off county politics. He had felt betrayed and unappreciated.

It had been an emotional night and the veteran was tired.

Several months have passed since then and Ivory has had time to reflect on his accomplishments, his defeat and his future.

"It might have been the best thing that happened to me," Ivory said recently. "I'd still be sitting there night and day worrying about the county. Now I'll be able to think about something else."

He no longer swears off county politics. On Thursday he was appointed to the road commission by his fellow commissioners and he hasn't decided whether he'll run for county board again in two years.

His friends and colleagues say his political career, if indeed at an end, will be remembered as one that was dedicated to compromise. He broke the color barrier and helped achieve an understanding among county leaders about the importance of equal rights, they say.

"He's a neat gentleman and we're going to miss him," said Republican Commissioner Raymond Grennan, who has served on the board for 14 years with Ivory.

"Let's face it, Herman did not go for the headlines, he just was not a headline seeker. He worked quietly and professionally to get things done," Grennan said. "I personally think you accomplish more (that way). Maybe your constituents don't recognize that, but in the long run, I think, it pays."

The past few years have been rough for Ivory.

His personal financial problems surfaced when a foreclosure sale of his home at 2404 Reynolds, Muskegon Heights, and another rental home he owns was scheduled for April following his failure to keep up with mortgage payments. Eventually he worked out a payment plan with the bank that allowed him to keep the houses.

In September 1989, Ivory lost a lawsuit brought against him by Dr. Dale Williams concerning an unpaid $26,000 loan to BJW Associates, a construction company owned by his ex-wife B.J. Walker, which Ivory guaranteed. Because BJW had no assets, Ivory was ordered to repay the loan, which he is doing in installments.

Then the jail controversy hit.

It all started in February when then-Sheriff Harry Pennington and Prosecutor Tony Tague filed a lawsuit against the county board seeking additional staff at the county jail to help combat overcrowding there. The board filed a counterclaim stating the sheriff was not following State law that dictates measures to be taken to avoid continued overcrowding.

"You had two immovable objects bumping, bumping, bumping," Ivory said.

The conformation put Ivory's leadership to a test.

Ivory, who is quick to smile and still has a young laugh almost like a giggle, is one who will hang on hard to his positive attitude in the face of adversity. He favors negotiation over confrontation and time and again he tried bringing the two sides to the table for talks.

But the players were stubborn and at times Ivory's leadership was seen as weak.

"I do have the ability to rise to the occasion," he said "I would rather sit at the table and talk instead of being out and getting real emotional. That will translate sometimes into weak leadership. But if I feel I've got more control than beating the table, I'll go that way."

He says "the fight was there" over the jail before the Democrats took control of the board and he assumed the chair in 1989. The problem, he believes, was that the Democratic sheriff and prosecutor felt they would get more resources now that the Republicans were out of the majority.

"The same thing that was not feasible when the Republicans were in control still wasn't feasible when the Democrats were in control," he said.

It was a fight that eventually petered out. But the ordeal was not without consequence. After Ivory's departure, the board will still be wrestling with ways to combat jail overcrowding. And there are those—including Ivory—who say the dispute cost him his seat on the board.

"I was so preoccupied with the jail overcrowding and lawsuits that I didn't do what I knew I had to do," he said. "I started (campaigning) too late."

Ivory "saw the world" during his four-year stint in the military, which included combat in the Korean War. He says his eyes were opened to the extent of white society's bigotry toward blacks when he returned to Muskegon Heights in 1952.

At the same time, many of his old friends from Muskegon Heights High School returned from college with the same insights.

"I became conscious of things that when I was in Muskegon I wasn't aware of," Ivory said. "It was the subtle, pat-on-the-back segregation."

Ivory and his friends—including former Muskegon Heights Superintendent John Sydnor, area dentist Frank Howell and county commissioner Bill Gill—resumed their old union, but this time it took on political tones.

They espoused the teachings of the Rev. Martin Luther King and began looking for ways to make a change.

"We had seen the world, met other people," Ivory said. "Everybody had their different experiences. We'd sit around and have coffee and tell our stories and get all worked up about it and say 'Let's do something.'"

Sydnor became the first black teacher at Muskegon Heights—later to become the first black superintendent there. Howell became the first and only black dentist in the Muskegon area and also was the first black elected to the Muskegon Heights City Council.

Ivory was the second, elected in 1963 after two previous unsuccessful tries.

"He was always thinking how could we bring about a quality of life in Muskegon that would cause the people who live in the county to realize that we had great potential and that we were able to move forward in solving many of the problems," Sydnor said. "I think it was his early feeling that the best way to do that is utilizing the democratic process."

In 1968, his friends urged him to run for the county board and in 1969 he was elected. In 1973, he was named chairman.

Sydnor said he admires Ivory's commitment to public service and his painstaking efforts at compromise.

"He was willing to sacrifice and dedicate himself to the all-consuming process of politics," Sydnor said. "I've never heard him utter ill will toward another individual or organization or group.

"He was always trying to find a way for all persons to stand on mutually agreeable ground."

His biggest accomplishment while on the board, he says, was the development of the Muskegon County Wastewater Management System which went on line after several years of planning and development.

Commissioners had seen the pollution flowing into area lakes and knew something had to be done. The unusual system, part of which involves using sewage to grow crops, was not popular with many residents who had to be displaced from its 10,000-acre location.

And Ivory had to convince the Heights to sign on as a wastewater user despite a recent completion of its own wastewater system.

"The town, the Chronicle was not on our side," Ivory said. "I think what held us commissioners together was we felt the whole town, the whole county, jumped on all 15 of us. We had to stick together, we couldn't break."

He says he has strived to maintain that cooperation, attempting himself to not hold grudges against fellow commissioners. He says he has "trained himself" to forget how commissioners vote on certain issues so that he doesn't hold it against them.

Despite party differences, the commissioners try hard to present a unified stand—which was crucial during the jail controversy—and to support each other, Ivory said.

"We may sit there and look brave, but then we'll go in the back room and say 'gol dang,'" he said.

Come Jan. 1, Ivory will be conspicuously absent from those back-room discussions. But he's certain to be around the community, doing his part to continue to affect changes, and putting his election loss behind him.

"He gave it certainly what we would say 110 percent," Sydnor said.

TRIBUTE TO SHANNA LEE PITTS

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Shanna Lee Pitts, of Cranston, RI, this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for the Lincoln School in Providence, RI.

This award is presented to the student chosen by the Lincoln School who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Shanna Lee Pitts has more than fulfilled this criteria. She was the recipient of Lincoln's Frances E. Wheeler Scholar Award, and is president of the Lambrequins—a select vocal group. In addition, Shanna Lee Pitts is fluent in Armenian and Dactylology—sign language. She puts these skills to good use by teaching in an Armenian school and working as an interpreter at the Rhode Island School for the Deaf.

I commend Shanna Lee Pitts for her outstanding achievements and wish her all the best for her future endeavors.

RAUL MURICANO OF MIAMI IS MUSIC AWARD WINNER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, Mr. Raul Muricano, Jr. of Miami, FL has been awarded second prize in the Abraham Frost Prize in Composition sponsored by the University of Miami School of Music. It is an annual competition sponsored by Dr. and Mrs. Philip Frost in memory of Mr. Abraham Frost and open to all U.S. citizens. Mr. Muricano's original composition, "Octet" has its world premiere performance along with other award winners on April 20.

Mr. Muricano, Jr., was born in Miami, FL, and began his musical training at the age of 6. At the age of 18, he was accepted into the University of Miami's Honor Program in Music, where he pursued a degree in theory and composition. In 1975, Mr. Muricano cofounded the group Miami Sound Machine where he served as keyboardist and music director until 1982. He composed and produced the original score for the ballet "Bernarda Alba" which premiered at the Dade County Auditorium on February 1, 1991. Presently, Mr. Muricano is working toward a master's degree in composition at University of Miami and is developing the curriculum for a new course for the department of musicology entitled "Introduction to Cuban Music."

The University of Miami School of Music was established in 1926 and is today the largest school of its kind in a private institution of higher education in the United States. Under the leadership of the dean of the School of Music, William Hipp, the school boasts over 50 performing ensembles and a dynamic and talented faculty. Its graduates excel as solo performing artists, composers, producers, publishers, therapists and teachers.

Mr. Speaker, I am proud to have such a distinguished school of higher learning in the south Florida area. I commend the University of Miami School of Music for its contribution to the music and performing arts community, and recognize Raul Muricano's special talent as indicated by the Abraham Frost Prize.

A PLACE FOR THE ABORTION PILL IN AMERICA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. LEVINE of California. Mr. Speaker, I would like to commend Ellen Goodman's latest column to my colleagues' attention. The issue she writes so forcefully about is RU–486, a drug that is currently banned from this country. Several States including California, however, have taken the lead on securing the drug for testing, while the administration has refused to address the issue. The point from the column that I would like to stress is the privacy of reproductive choice. All Americans should have the right of access to health care, and the right to make medical care decisions in privacy. This is why I have introduced the freedom of access to clinic entrances bill, H.R. 1703, which 40 of my colleagues on both sides of the aisle have cosponsored. The drug RU–486, besides being an effective treatment for a range of diseases such as breast and ovarian cancer, glaucoma, endometriosis, and Cushing's syndrome, would aid in bringing reproductive choice back where it belongs, out of the public realm and into the private sphere.

A PLACE FOR THE ABORTION PILL IN AMERICA

(By Ellen Goodman)

BOSTON.—Up in New Hampshire, where mud season is giving way to black flies, the legislature is getting ready to flash the famous Granite State streak of independence.

This conservative Republican territory, known for its presidential primaries and its lack-of-tax structure, is expected to pass a resolution in support of the abortion pill. It will offer the state as an American test site for RU486.

The legislators don't expect to see a team flying in from Europe to set up a lab in downtown Concord the morning after the vote. But they want to send a message to the

FDA and the manufacturer. The state that made George Bush president and the people who put "Live Free or Die" on their license plates are moving against the barriers that have kept RU486 out of the country.

Since 1988, the drug that provides safe and early abortions has been available in France, where the minister of health once called it "the moral property of women." Now it's licensed for use in Britain and Sweden as well.

But Roussel-Uclaf and its parent company Hoechst regard the American political "climate" as too hot to touch. Afraid of getting burned by boycotts against their other drugs, especially by Catholic hospitals, and afraid of liability lawsuits, they haven't even attempted to market RU486 here.

The FDA, in turn, has banned importing the drug by listing it as a dangerous substance. This has meant that our doctors can't use RU486 in therapy and our scientists can't use it for research, even when their work has nothing to do with abortion.

So far, RU486 has been shown to be useful in easing labor and treating Cushing's disease. It has shown promise for the treatment of ovarian and breast cancer, endometriosis and even brain tumors. But what we don't know has been sacrificed to what we do know. Taken with another drug in the first seven weeks of pregnancy, RU486 induces a miscarriage. It brings on menstruation.

The pill wouldn't entirely replace surgical procedures. It's not for women over 35 or for smokers. But it would put most early abortions into a very private realm. A woman would "get an abortion" by swallowing.

The ease of RU486 has alarmed anti-abortion leaders who have made it a prime target. What, after all, would become of the favorite strategies of pro-life groups if RU486 were available? There would be fewer women to harass on the way to fewer clinics. In the early weeks, there would be no fetuses to enlarge to placard-sized portraits. The line pro-lifers draw between doctors as evil "abortionists" and women as their "victims" is erased when women take their own medicine. The pill has also become a priority for many in the abortion-rights movement who worry about the changing of the guard in the Supreme Court. Hundreds of bills limiting access to abortion have appeared in one state legislature after another. The momentum for RU486 expresses impatience with Roussel-Uclaf, but also a desire to find an offensive strategy.

In New Hampshire, for example, the massive legislature of more than 400 members—one-third female, all earning $100 per year—passed a bill upholding abortion rights, only to have it vetoed by the governor. The current resolution is an attempt to stake out new territory. As Peg Dobbie of the New Hampshire Abortion Rights Action League said, "It's great to see a legislature talking about increasing reproductive choices rather than limiting them."

There are currently other RU486 bills in the works in both California and Minnesota. Several states are considering trials of look-alike drugs under "mini-FDA" laws that could allow them to test and market within their own borders.

On the national level, Rep. Ron Wyden of Oregon has introduced a bill that would take RU486 off the dangerous drug list so that it could be used for research. And on the local level, New York City Mayor David Dinkins has asked 33 other mayors to write both Roussel-Uclaf and President Bush in support of testing.

All of this is an attempt to build up the demand in order to get the supply. But it also raises a familiar paradox.

Pro-choice people have long regarded abortion as a private decision. Americans overwhelmingly want to end the prolonged and nasty war over abortion. RU486 offers the best possibility for muting the conflict and for protecting privacy.

But once again in New Hampshire, it's clear that the effort to protect privacy hinges on public action. Sometimes only the government can keep away the government.

A TRIBUTE TO PFC. ROBERT DAUGHERTY OF HOLLYWOOD, FL

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. SMITH of Florida. Mr. Speaker, I rise today to pay tribute to one of Broward County's Desert Storm casualties, Pfc Robert Daugherty of Hollywood, FL.

Pfc. Robert Daugherty was killed on February 25, 1991. He was a member of the 5th Battalion, 16th Infantry at Ft. Riley, KS.

A student at Hollywood Hills High School, Private First Class, Daugherty enjoyed machinery and weapons. His love of competition is evident by his membership on the high school wrestling team. Twenty-three months ago, it prompted him to enlist in the Army. Private First Class Daugherty's hobbies included fishing, hunting, and tinkering with automobiles.

Although he was stationed in Saudi Arabia, he stayed in touch with his family often. He tried hard to bring a little touch of home to his unit in the desert. Private First Class Daugherty adopted a puppy that he found wandering in the desert and his unit later named it unit mascot.

I ask you to join me today in paying tribute to Pfc. Robert Daugherty. Robert exemplified the best for which this country stands. He is buried at Arlington National Cemetery, a fitting resting place for those who have so bravely served our country and made the supreme sacrifice. I know that nothing will bring him back, but I hope that his family can take solace in their memories of him.

PHYLLIS MARSHALL: THE CITY OF ALAMEDA'S 1991 CITIZEN OF THE YEAR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Ms. Phyllis Marshall, the recipient of the 1991 Citizen of the Year Award from the city of Alameda in California's Ninth Congressional District. She is receiving the award because of her lifelong commitment to civil rights.

Ms. Marshall's civil rights career was launched 25 years ago when a coworker at the hospital where she was a nurse had an appendicitis attack. Because this coworker was black, she could not be admitted to the hospital where she worked and was forced to go to another hospital. As a result of this incident, Ms. Marshall became involved with the antidiscrimination housing group, Alamedans with HOPE, in the early 1960's.

Ms. Marshall was born in Sacramento, CA, and moved to Alameda when she was a year old. When she graduated from high school, she went to nursing school and has worked in different East Bay hospitals since that time. She finally retired 15 years ago and continues to live in the east end with her husband of 35 years, Frank. She has four daughters, three of whom live in Alameda, and one son. Her eldest daughter died a few years ago in a house fire.

She has also been involved with numerous other community groups. She has served as a boardmember of the Alameda Girls Club since 1967; a boardmember of the Red Cross since 1970, where she was chairwoman for 2 years; chairwoman of the Homeless Task Force Committee; treasurer of the Alameda Ladies Relief Society since 1980; member for the NAACP; and member of the city of Alameda's Social Service Human Relations Board.

Although Ms. Marshall is 74 years old, she's still going strong. Her newest cause is caring for the mentally ill and one of her latest ideas has led to an innovative project—throwing a citywide shower for homeless babies.

Mr. Speaker, I am proud to recognize Ms. Phyllis Marshall as the city of Alameda's 1991 "Citizen of the Year". I would like to take this opportunity to commend her for her dedication and commitment to the community.

TRIBUTE TO EZRA CHARLES SMITH

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to rise today and congratulate Ezra Charles Smith, of Tiverton, RI, this years recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Portsmouth Abbey School in Portsmouth, RI.

This award is presented to the student chosen by Portsmouth Abbey who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Ezra Charles Smith has certainly filled this criteria. He has been named to the dean's list in each of his 5 years at Portsmouth Abbey School. In addition he was a National Merit semifinalist, he won the prize for excellence in Western Civilization I, and he won the Harvard Club of Rhode Island book prize. Ezra Charles Smith also participated on the golf, cross country, sailing, and hockey teams. He was named captain of the sailing team in 1991.

I commend Ezra Charles Smith for his outstanding achievements and wish him the best of luck in all of his future endeavors.

WELCOMING OUR TROOPS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. LAGOMARSINO. Mr. Speaker, there are many things for us to be thankful for this year, and one of the most important is the safe return of our troops from the Persian Gulf.

On July 4 of this year, the city of Santa Maria plans to celebrate this event with a series of neighborhood block parties.

When I visited our troops in the gulf—both before and after their victory—they all expressed a strong desire to do their jobs, then return home to be with their families and friends. The Santa Maria Recreation and Parks Department is encouraging all Santa Marians to join in this celebration by getting together with their friends and neighbors for a traditional neighborhood block party. I can not think of a better, safer way to celebrate the Fourth of July.

Therefore, Mr. Speaker, on behalf of the U.S. House of Representatives, I am proud to designate July 4 in the city of Santa Maria as "Welcome Home Our Troops Day," and to urge all Santa Marians to join in celebrating this occasion by having a safe and happy Fourth of July.

ANOTHER FINE ACCOMPLISHMENT BY A GREAT LADY, DEE COOK

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. VANDER JAGT. Mr. Speaker, it is graduation time—tens of thousands of students across the country are completing educations and going out into the world to put what they have learned to work in the real world. All of these students have thousands of quiet, hard-working teachers, administrators, and elected school leadership to thank for tireless efforts to make their institutions the effective molders of young lives that schools ought to be.

Last fall, in the State of Michigan, an especially dynamic and effective citizen was elected to the board of trustees of a great institution, Michigan State University. The election of Dee Cook, a resident of Greenville, MI, in the Ninth Congressional District which I have the honor to represent, is a natural recognition of her love for, and abiding interest in, the institution of higher learning which graduated her and her husband, Byron, and their two children into effective careers and a spirit of citizen involvement. While the underlying cause of Dee's standing for election to the board was controversy, it was in the finest tradition of community service that Dee took her concern to action—she did not just complain about what she saw as a problem, she presented herself to the voters as one who was willing to work hard and do something about it. The voters believed and gave her their support. As she watches the students graduating after the first semester of her stewardship, as she participates in the process of performance reviews and planning for the first full academic year of her 8-year stewardship, I want to draw to my colleagues' attention the dedication of Dee Cook and her family to a great institution of higher learning and I offer for review an article about Dee which appeared after last fall's election to her hometown newspaper, the Daily News:

[From the Greenville (MI) Daily News, Nov. 10, 1990]

DREAM COMES TRUE WITH ELECTION TO MSU BOARD

(By Steve Edwards)

GREENVILLE.—To say Dee Cook bleeds Green and White is not only a cliche, it's an understatement.

She virtually is Green and White—in her own mind and the minds of those around her.

Cook, a Greenville resident for almost 30 years and former president of the Greenville Board of Education, collected the highest number of votes for the Michigan State University Board of Trustees in Tuesday's election. Cook and fellow Republican Jack Shingleton defeated Democratic incumbents Lawrence Owen and Lawrence Doss. Cook joins the board Jan 1, 1991.

Cook said although the election is important to her, it was vital for the university.

"This was a very important election for Michigan State. There was a cloud over Michigan State, this is the chance to lift that cloud.

"People were apologetic about Michigan State, they were embarrassed by the behavior of this board. The board erroneously cast the university as something it isn't—a football school, a jock school.

Cook said the board's hiring of football coach George Perles to serve as athletic director—over the objection of MSU President John DiBiaggio—was a bad decision.

The board hired Perles last January to replace retiring Athletic Director Doug Weaver. Perles assumed duties July 1 and is scheduled to have his performance evaluated by a supervisor, the trustees and the president this July. Cook said she will support the recommendation of the president.

Cook said she objects to the football coach also serving as athletic director, but more importantly, she objects to the board's lack of respect for the president's wishes.

"George Perles was just the symptom—the real problem rested with the board," she said, "I tried very hard during the campaign not to focus on George. The real question is who is going to be the leader of the university.

"The president runs the university. The president has control of the university and of the administrators he picks. The current board didn't understand its role.

"The board shouldn't rubber-stamp everything that comes through, but it shouldn't be involved in the day-to-day operations of the organization."

Cook, who was defeated when she ran for a trustee position in the 1986 general election, said it was the Perles decision and prodding by governor-elect John Engler that prompted her to seek the position.

Engler called Cook at midnight the day after the board voted 5-3 to offer Perles the athletic director position to ask her to run for the board.

Cook said she originally declined, saying, "I've already been through this once before," but changed her mind about six weeks later.

While the Perles decision spurred her on to running for the board, and returning DiBiaggio to a position of respected leadership at the university is a necessity, Cook has separate goals for the beginning of her eight-year term.

"My No. 1 priority is to restore the confidence of the people of the university and the people of Michigan in the board of trustees. While we're accomplishing that, my second goal is to reach a better state of equity in funding.

"We've just elected an education-oriented governor, that should help the process. There is inequity in funding at the state universities that must be changed."

Cook's husband, Byron, said Dee's election to the board gives her the opportunity to serve the university in a way she thought might never be possible.

"She had been denied the opportunity for the governing board before and she'd pretty much given up," he said. "She had come to realize it was one of the things in life she wanted to do badly and she was not going to be able to do it.

"Her interest (in the board of trustees) is a reflection of her love of Michigan State. She feels that she owes the university a debt for giving her such a good start in life. She wants to be able to serve the university at the highest level and now she can do that."

"Dee Cook has been a valued, enthusiastic and articulate advocate for the role and mission of MSU, all attributes of an effective trustee," DiBiaggio said through the MSU office of public relations. "She not only knows MSU, she understands MSU. She realizes our challenges and our opportunities.

"Her leadership in our capital campaign, MSU 200: Access to Opportunity surely has indicated that."

The election of Cook to the board is just the most recent in a long string of associations she has had with the university beginning with her graduation in 1954.

Cook currently serves as national chairperson for Special Gifts for MSU 2000: Access to Opportunity, the University's capital campaign. The campaign is designed to collect $160 million over a five-year period to be used for several improvements at the university.

Cook said those improvements include new building construction, scholarships, research and faculty grants.

Cook is responsible for generating individual gifts from $1,000 to $50,000 and she said she has the largest group of prospects. Cook's portion of the campaign has raised $4 million of its $6 million goal. She has made trips to 18 cities in the 2½ years of the campaign.

Maintaining her leadership position with the Capital Campaign was a requirement before Cook said she would consider running for the board.

"I had no intention of running, but I felt somebody needed to speak out in defense of Michigan State and the president," she said. "It came down to a question of, 'If not you, then who?' I figured nobody would do things the way I wanted it done.

"Then I was concerned that my work with the Capital Campaign might be considered in conflict with campaigning for the board. I had to ask them and if the answer to my question was 'Yes' then I wasn't going to run."

In addition to the Capital Campaign, Cook's involvement at MSU includes finishing her second term on the Development Fund Board of Directors. She also was a charter appointee and served two terms on the Advisory Council for the Wharton Center for Performing Arts.

The long-time dedication to "my university" comes from a love of Michigan State, Cook said.

"I love Michigan State, there is no question about that" she said. "Anyone who knows me doesn't know me very long before learning how much I love my university.

"As an advocate for Michigan State it's perfect for me to continue working for my university as an elected official."

Cook's love fcr MSU not only is apparent to voters in Michigan and potential contributors around the country, but to anyone with a little knowledge of the Cook "Spartan family" tree.

Byron graduated from MSU in 1954 and their children, Jeff and Leslie, are both Michigan State alumni, Jeff served as Dee's campaign manager for the election.

Cook's Spartan family even carries all the way to the family pets—a pair of dogs named Magic and Jay. Magic is named after Earvin "Magic" Johnson and Jay is named after Jay Vincent, both members of MSU's 1979 NCAA Championship basketball team.

Cook said much of the credit for her election victory goes to her family.

"I want to be able to share this victory with my family. I couldn't have done this without my husband. If he hadn't wanted me to achieve this I couldn't have done it. He supprted me all the way. He wanted this as much as I did—for me and for Michigan State."

It might be easy for Cook's election to take on fantasy proportions—but if it does, the good news for her is it doesn't end when someone wakes up.

"This is awesome. It's been such a dream for so long. To realize a dream is an incredible experience."

TRIBUTE TO DARREN ORLOFF

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to rise today and congratulate Darren Orloff, of Foxboro, MA, this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Wheeler School in Providence, RI.

This award is presented to the student chosen by the Wheeler School who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Darren Orloff has certainly filled these criteria. He has maintained excellent grades while taking a rigorous course load. He is also active in environmental issues and works in the summer as a white water rafting guide. In addition, Darren volunteers regularly at a meal site for the homeless.

I commend Darren Orloff for his outstanding achievements and wish him all the best in his future endeavors.

THE 1991 OUTSTANDING INDUSTRY AND COMMUNITY SERVICE AWARD

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. LEVINE of California. Mr. Speaker, I rise today to recognize John J. Keating as he is honored by the Anti-Defamation League, Pacific Southwest Financial Division, with it's 1991 Outstanding Industry and Community Service Award. He will receive this award at a gala dinner in his honor at the Warner Center in Woodland Hills on May 16. John J. Keating is being honored for his distinguished professional accomplishments, concern, and commitment to the community.

The Anti-Deformation League is the leading human rights agency in the country. It has a 78-year unexcelled record of fighting bigotry and discrimination and working to ensure equal treatment for all Americans, regardless of race, creed, ethnic origin, or sex.

John is a compassionate person with a deep concern for the well-being of others. He has translated this concern into service to his community. John was the president of the board of the Boys & Girls Club of San Fernando Valley for 2 years and currently serves as vice president. He is a member of the board of trustees of the Southern California Chapter of the Multiple Sclerosis Society. He has served on the board of trustees of Sherman Oaks Hospital and the Organization for the Needs of the Elderly. John was honored by the city of Hope in 1986 with the Spirit of Life Award.

John J. Keating is an industrious banker known throughout his industry for his competence and knowledge. A graduate of Queens College, he currently serves as president and chief executive officer of CU Bancorp and chairman of the board and chief executive officer of California United Bank, N.A.

Throughout all his endeavors, John has enjoyed the love and support of his family, including his wife, Florence, and their three children, David, Terry, and Christine.

It is a pleasure to bring this record of community activity to my colleagues in the U.S. House of Representatives. I ask that they join me in congratulating John Keating on this fine achievement.

A TRIBUTE TO SGT. DODGE R. POWELL OF HOLLYWOOD, FL

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. SMITH of Florida. Mr. Speaker, I rise today to pay tribute to one of Broward County's Desert Storm casualties, U.S. Army Sgt. Dodge Powell of Hollywood, FL.

Sergeant Powell was sent to the Persian Gulf from his station with the 82d Engineer Battalion in Germany. Sergeant Powell had been married 12 days before he was deployed and was planning a month long vacation to Hollywood to introduce his wife to the wonderful east coast of Florida.

Dodge Powell attended McArthur High School before enlisting in the Army. He was known for his sense of humor, his love of music, and his passion for fishing.

Before his death, Sergeant Powell wrote the following poem with his thoughts about the war. I believe it is a fitting tribute to him.

DESERT THOUGHTS

(By: Dodge R. Powell, USA)

It's only just beginning,
the end nowhere in sight.
But not knowing is the worst thing,
will it end or will we fight?
A madman as a ruler,
with ego, greed, and power.
He can't succeed, he must be stopped.
It's almost zero hour.
I knuckle down and ponder,
I bow my head and pray.
The one question that is paramount,
"Is there peace today?"
My thoughts already wander,
To the things I call my own.
My wife, my friends, my family,
and the comforts of my home.
Much I wonder is unanswered,
so I try to find out "why"
But if I must, yes, I will fight.
And if I must . . . I'll die.
Defending freedom is my mission,
And I've answered every call.
I'll fight in heat and dust and sand,
and the dragon he will fall.
For I am called "American"
and I say that clear and loud.
Not only am I strong and brave,
I'm the best . . . and I'm damn proud.

I ask you to join me today in paying tribute to Sgt. Dodge R. Powell. Dodge Powell exemplified all for which this country stands: He was brave, valiant, humble and, above all, he believed in his country and in himself. I know that nothing will bring him back, but I hope that his family can take solace in their memories of him.

TRIBUTE TO AMERICAN PHARMACEUTICAL COMPANIES FOR PANAMA REFUGEE RELIEF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. RANGEL. Mr. Speaker, when I visited Panama with the Select Committee on Narcotics Abuse and Control in early January of this year, I had the opportunity to visit Albrook Station, a temporary camp set up to house Panamanian civilians displaced by the United States military action of December, 1989 to oust Dictator Manuel Noriega. It is ironic that in a military adventure called "Operation Just Cause" so many innocent people were unjustly harmed. It remains unclear how many innocent people—Panamanian or American—died in that action. In addition, I wonder how have the lives of average Panamanians been changed by the removal of Noriega. The only certainty is that 1,600 Panamanians were made homeless by "Operation Just Cause," they know how things have changed for them—they got worse.

I was shocked to see the deplorable conditions under which these involuntary refugees

were living. Children were not getting enough milk; mothers were struggling to gather enough food to care for their families. It was very hard for them to keep themselves or their tiny cubicles clean without soap or cleaning products; the specter of communicable disease grew larger and larger as the weeks of temporary shelter grew into months of crowded, unhygienic living. This is what greeted me when I visited Albrook; it was home to the refugees.

The emergency that I met was apparent; and some of the mothers begged for anything we Americans might do for them. Upon returning to the United States, I contacted the American Pharmaceutical Association, and through them was able to reach many companies. I am happy to report that most of the companies I contacted, have responded with enthusiasm to my request for assistance. Their generosity has made me proud to know these companies. So far, nearly a dozen firms have donated soap, vitamins, cough syrup, calcium supplements and other supplies to alleviate the dire conditions of the camp dwellers.

When I first visited the Albrook camp in Panama, nearly 1,600 people were in residence, waiting for reassignment to permanent housing provided through a USAID grant. Now, I am told, the number of camp dwellers has been reduced to 600, but the majority of these are under age 15. They, along with former camp residents who are now scattered in different sites on the outskirts of town are still in need. Their change of location has not ended their need for assistance. So, concerned Panamanians continue working with the local Catholic Charities Organization to distribute the American aid that is still arriving.

Panamanian-Americans in New York are also working with my office to help alleviate the suffering; they are collecting clothing, which we hope to have delivered with the help of an international carrier.

The military adventure, "Operation Just Cause," may only rate a footnote in the history books, but the impact of that action lives on for those who were displaced from their neighborhoods and homes. One hopes that in the future, American foreign policy will not require that we solve our problems by resorting to the use of force. The Panamanians I met in Albrook camp would certainly agree.

I would like to cite these fine pharmaceutical companies for their support of this humanitarian effort to help the refugees of Panama: ICI Pharmaceutical, Wilmington, DE; Lederle, Consumer Health Products Division, American Cyanamid, Clifton, NJ; Marion Merrell Dow Inc., Kansas City, MO; Miles Inc., Elkhart, IN; Pfizer Inc., New York, NY; Schering-Plough Corp., Madison, NJ; Sterling Drug Inc., New York, NY; and Warner-Lambert, Morris Plains, NJ.

A TRIBUTE TO ART CARROLL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. LAGOMARSINO. Mr. Speaker, I would like to recognize Mr. Art Carroll, former supervisor of the Los Padres National Forest, for all the help and support he has provided to the residents of the 19th Congressional District and visitors to Los Padres National Forest over the last 4 years. He has been a strong leader at the forest and I am pleased to have had a second chance to work with him on a variety of issues. Whether the issues have been relatively narrow, such as clearing title to a 40-acre tract of privately owned land or as broad as developing a plan for management of the entire 2-million-acre forest, his skills and expertise as a professional land manager have been highly appreciated.

I am continually impressed by the ability of our Federal land managers, especially in the Bureau of Land Management and the Forest Service, to balance the views of a variety of constituents. Mr. Carroll's ability to accomplish this throughout his tenure at Los Padres National Forest has been especially notable. In no situation that we worked together on were his abilities in that regard been more appreciated than in efforts to bring forward the Los Padres wilderness proposal. I appreciated his efforts to keep in touch with off highway vehicle enthusiasts, bicyclists, hunters, private property owners, mineral interests, water resource interests and wilderness enthusiasts during development of a bill which best meets the needs of all groups. There is little doubt in my mind that Art's participation in this process was key to its successful passage in the House last Congress. Diplomacy is a characteristic which too few of our Federal bureaucrats possess, and Art's skills in this area have certainly made my job easier in terms of responding to the concerns of my constituents.

Equally as critical for Federal land managers to have an open mind and an open door policy to all interest groups is developing an intimate knowledge of the resource. That is something else which Art accomplished during his tenure of the forest. I have heard from a number of my constituents that he was never too busy to go out and inspect onsite a particular issue or subject. I must admit that I am a little envious of his ability to get out and enjoy the beautiful Los Padres National Forest. Art's knowledge of the forest proved invaluable to me as we addressed the wide variety of issues facing us during the last few years.

I could not conclude this recognition of Art's accomplishments without discussing fire management. Our work together to deal with fire management issues extends to almost 20 years; since Art was the in the Ojai District on the Bear Fire. I know I speak for the entire community when I express my appreciation for the professional fire management program Art helped develop for this forest. As we learned again last summer during the Paint Fire, such fire management programs as the major fuel breaks he helped develop in the 1970's have been key to the protection of life and property in the vicinity of the forest. I know that California's loss will be Oregon's gain and I wish Art good luck in his new assignment, in charge of the Columbia River National Scenic Area.

TRIBUTE TO DIANE T. MURPHY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Diane T. Murphy, of Providence, RI, this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for La Salle Academy, in Providence, RI.

This award is presented to the student chosen by La Salle Academy who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Diane T. Murphy has certainly met these criteria. She is an honor student and a member of the National Honor Society. She is also a member of the yearbook staff, the Ecology Club, Students for Global Awareness, and Students Against Drunk Driving. In addition, Diane is the president of St. Augustine's Christian Youth Organization, a Confraternity of Christian Doctrine teacher, and a volunteer for the Special Olympics.

I commend Diane T. Murphy for her outstanding achievements and wish her the best of luck in all her future endeavors.

EPA REGION II, OUT OF CONTROL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. SOLOMON. Mr. Speaker, when HUD-independent agencies appropriations reaches the floor I Intend to offer two amendments. The first will transfer 5 percent of the funding level for EPA to veterans health care. I support the important environmental programs funded under the bill but our veterans have earned the right to receive adequate health care.

The second amendment will transfer responsibility for the Hudson River PCB Reassessment Program from the New York Region II Office to the EPA Superfund Office here in Washington.

The New York office, staffed by personnel who believe they are not accountable to Administrator Bill Reilly, have totally mishandled this important environmental program. This amendment will make significant reductions in employee levels in region II and make corresponding increases in the Headquarters Superfund Office.

Although Administrator Reilly assured me earlier this week that he supports the restoration of the Hudson using a process of biodegration and that he does not support a dredging solution, the region II office is moving in a different direction.

The current Hudson River reassessment conducted by region II is being rigged in a manner which will mandate only one conclusion: the dredging of the Hudson River.

Not only would dredging the Hudson scour a large section of the riverbed, it would result in downstream and atmospheric contamination dangerous to human life and nearby crops.

All of the people I represent want the Hudson River restored. Yet, they also deserve to know how the various alternatives will affect their health and economic welfare. These considerations are being ignored because the region II office of the Environmental Protection Agency is not conducting a fair and scientifically objective study.

DAVISVILLE MIDDLE SCHOOL—A BLUE RIBBON SCHOOL

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. REED. Mr. Speaker, I ask my colleagues to join me today in paying tribute to Davisville Middle School in Davisville, RI. The Department of Education has chosen Davisville as a blue ribbon school, one of the schools of excellence of the Education Department's National School Recognition Program.

As a member of the House Education and Labor Committee, I couldn't be more pleased to be able to share in this tribute to the strength of the Davisville Program.

The Department of Education's National School Recognition Program, now in its eighth year, gives public recognition to outstanding public and private schools across the country. this year's selection process placed special emphasis on art and history, recognizing art programs that enable students to explore and develop their creative abilities and history programs that require all students to study U.S. history in addition to either world history or western civilization.

Davisville has 560 students in grades six through eight. In its application for the blue ribbon program, Principal, Mrs. E. Jane Kondon, noted that Davisville's principal and staff share a vision of a school community of lifelong learners. Students at Davisville are encouraged to "Be the Best They Can Be" in an atmosphere of mutual respect and cooperation.

Davisville has also initiated a school-within-a-school program to address the needs of at-risk students. And a school site management steering committee has given teachers the opportunity to develop policies and programs for the schools.

This award is a tribute to all those involved with Davisville Middle School from the principal to the teachers, the students, and the alumni. I hope that Davisville can serve as a model for schools across the country.

I applaud Davisville today and every day for a great job.

IN SALUTE OF BEVERLEY YIP

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. LOWERY of California. Mr. Speaker, I rise today to recognize the efforts and accomplishments of Ms. Beverley Yip, a remarkable community leader from San Diego, CA.

When Beverley Yip arrived in San Diego, the city was home to immigrants from China, Japan, Korea, Samoa, Guam, and the Philippines. In those days, however, no single group was large enough or vocal enough to draw public attention to the needs of their poor, elderly and non-English speaking members. Beverley decided that if the city's Asian groups could work and speak together, they could become an effective force for change. Her simple idea gained broad support and she founded the Union of Pan Asian Communities. Today, UPAC is making a difference for San Diego's diverse and growing Asian population.

Beverley has been executive director of the union since 1974. Her responsibilities include: Overall administration of the organization, its staff, contracts and corporate affairs, as well as program and resource development. UPAC now runs and sponsors programs which focus on aging, mental health, employment and training, developmental disabilities, child abuse, child care and advocacy.

Of course, UPAC would not survive or succeed without a strong financial base. Beverley expertly leads an annual fund raising campaign which garners more than $30,000 in individual and corporate contributions for operations and special programs. The total UPAC budget is now at $1.6 million.

Mr. Speaker, Beverley Yip's vision and hard work has paid off for San Diego's 13,000 member Pan Asian community. In striving for opportunity, equitable treatment, and improved social services, Beverley and UPAC's 69 employees have helped make San Diego a better place to live for everyone.

NEED FOR TAX CODE CHANGE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. LEVIN of Michigan. Mr. Speaker, today I am introducing legislation with Congressman BILL ARCHER to correct an inequity in the Tax Code which singles out certain nonprofit organizations, such as trade associations and local chambers of commerce, and prevents them from setting up tax-deferred 401(k) retirement plans for their employees. I am pleased to say that we are joined in this effort by 56 of our colleagues in the House, including Mr. DORGAN, Mr. VANDER JAGT, Mrs. JOHNSON, Mr. SUNDQUIST, Mr. CRANE, Mr. MOODY, and Mr. GUARINI of the Ways and Means Committee.

Under current law, for-profit private employers can offer their workers the chance to elect up to $7,000 in deferred compensation in a 401(k) plan. Likewise, nonprofits organized under 501(c)(3), including traditional charitable organizations and educational institutions, can offer their employees nearly identical 403(b) plans.

Out of all the thousands of employers across this country, only certain tax-exempts, like State education associations, agriculture cooperatives, labor organizations, and civic leagues, are prevented from establishing helpful retirement plans.

The Ways and Means Committee and the House of Representatives recognized this inequity when they approved a provision I sponsored in the 1987 reconciliation bill that would have allowed these nonprofits to again set up 401(k) plans. Last year, in testimony before the Ways and Means Committee, the U.S. Treasury Department stated it had no opposition to this proposal, and Assistant Secretary Gideon said, " * * * imposing a limitation * * * only on tax-exempts is unfair." Finally, during markup of last year's reconciliation bill, this legislative proposal was included in a list of 29 tax proposals the Joint Committee on Taxation determined were good tax policy and were relatively noncontroversial.

Further evidence of the bipartisan support for this proposal came last week. The pension reform plan unveiled by the Bush administration included a proposal to allow tax-exempt organizations to establish 401(k) retirement plans for their employees, and I'm hopeful that this endorsement will give further momentum to our efforts here in Congress.

Whenever Members of Congress push for a change in the Tax Code, I think it is incumbent on them to recognize that these changes are generally not costless. The revenue consequences of the proposal we are introducing today are relatively small. Last year, the Joint Committee on Taxation estimated that Treasury receipts would be lowered by $15 million in the first year, rising over time to $56 million in the fifth year. In this time of continuing deficits, offsetting revenue sources will have to be found. As a member of the Ways and Means Committee, I will be working with my colleagues to find these revenues.

Mr. Speaker, good tax policy begins with nondiscrimination. The current law discriminates unfairly against some employers and their employees. The bill we introduce today will correct this inequity. I hope it will be speedily enacted.

I include the text of the legislation following these remarks.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (B) of section 401(k)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) STATE AND LOCAL GOVERNMENTS NOT ELIGIBLE.—A cash or deferred arrangement shall not be treated as a qualified cash or deferred arrangement if it is part of a plan maintained by a State or local government or political subdivision thereof, or any agency or instrumentality thereof. This subparagraph shall not apply to a rural cooperative plan.".

(b) The amendment made by subsection (a) shall apply to years beginning after December 31, 1991.

TRIBUTE TO JOEL S. MALO

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Joel S. Malo, of Greenville, RI, this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Smithfield High School in Smithfield, RI.

This award is presented to the student chosen by Smithfield High School who dem-

onstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Joel S. Malo has more than fulfilled this criteria. He has made honors at Smithfield for 4 years and been selected to the Rhode Island and National Honor Societies. He is a member of the basketball team and was the captain of the baseball team in his senior year.

I commend Joel S. Malo for his outstanding achievements and wish him all the best in his future endeavors.

STANLEY TATE RECEIVED COMMUNITY STAR AWARD

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to bring attentioin to the outstanding civic contributions made by Mr. Stanley G. Tate to the south Florida community. He was recently presented the "Community Star Award" from the Family Counseling Services of Greater Maimi for his dedication and tireless service to the counseling center and the community at-large. Mr. Tate is truly an inspiration of those of us who believe that volunteer and charitable action really can make a difference.

Stanley Tate has been an active public servant for 20 years. He has served as mayor, vice mayor, and councilman in the town of Bay Harbor Islands. Mr. Tate has also served in a leadership capacity with many charitable organizations and corporate foundations. His pride in giving back to the community is evident in everything he does.

The mission of Family Counseling Services is to provide social and psychological services to enhance the lives of families, individuals, and children. The programs deal with problems of child behavior, marital conflict and substance abuse. Also addressed are financial and legal difficulties, teenage pregnancy, chronic depression and AIDS/STD counseling and prevention. Stanley Tate was recognized by the Family Counseling Services for his special contribution to these efforts.

Mr. Speaker, I would like to honor both Stanley G. Tate as a "Community Star" and the Family Counseling Services for their service to the Greater Miami area. Stanley Tate is an outstanding example to us all, as husband, father, public servant and volunteer. I also encourage the Family Counseling Services Center, under the leadership of President Van Myers and Vice Presidents Carol B. Courshon and Doughlas L. Oppenheimer to continue their good work.

LEGISLATION AFFECTING THE FUTURE OF DEFENSE LABORATORIES

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to introduce legislation which would prohibit the Defense Department from taking any action on the closing or consolidation of defense research laboratories until the Advisory Commission on the Consolidation and Conversion [CCC] of research and development laboratories issues its report.

Last month, the Defense Department forwarded its list of facilities slated for closure to the Base Closure and Realignment Commission. Tacked onto this list were the consolidation proposals for the Army and Navy's research and development laboratories.

By implementing these proposals through the 1991 base closure list, the DOD is effectively restructuring the entire Federal R&D system without sufficient oversight. The role of the laboratory CCC in the consolidation process has been nullified, and there is not even enough time to provide an adequate cost analysis of the proposals.

Admittedly, much can be done to improve the current system to increase its efficiency, cost-effectiveness, and to retain its personnel. The proposals embodied in the base closure list may have merit. However, we will never know one way or another until well after implementation.

No hearings have been held on the consolidation proposals, and the timeframe of the base closure process precludes the kind of in-depth analysis of the costs and benefits that such a major restructuring should require. A recent article in Washington Technology highlights the future role of the DOD R&D system will play in determining priorities in the use of the $75.6 billion worth of Federal R&D—a copy of this article is attached. This point highlights the consequences of our actions on this matter.

In summary, I am not opposed to base closure. I am not opposed to consolidating the Federal R&D laboratories. I am opposed, however, to the way in which these consolidation proposals are being pushed through without sufficient oversight, and I oppose putting these proposals on a fast track which circumvents the policy process. The legislation I introduce today is aimed at addressing this point, and forcing DOD to follow the process outlined by Congress in last years defense authorization bill.

Given the complexity of the defense laboratory system and the important role the laboratories play in our national defense, any decision to close defense labs should not be made until after the laboratory CCC has completed its work, a comprehensive cost analysis has been completed, and Congress has had sufficient time to evaluate the needs and future of our Federal R&D system. Unfortunately, this will not happen without congressional intervention in the current process.

[From the Washington Technology, May 2, 1991]

DOD MAY BE LEAD PLAYER IN R&D: CONGRESS WANTS MORE EFFICIENCY IN SETTING PRIORITIES

(By Lucy Reilly)

Congress is considering plans to appoint the Department of Defense as the lead player to determine priorites in the fiscal 1992 R&D budget of $75.6 billion.

Federal research dollars are "in too many places," said William Andahazy, special assistant to the House Armed Services Committee, speaking at the recent annual budget meeting of the American Association for the Advancement of Science. "Right now, there seems to be an absence of a national framework."

The Defense Department accounts for more than half—$40 billion—of the total federal R&D budget, and its vast resources need to be tapped into the nation's pursuit of technology competitiveness, he said.

And even though DoD is being surpassed by industry as the driving force in broadening the nation's technological base, many in industry and government perceive it as the best suited among federal agencies with science and technology agencies to play the lead role in determining appropriate uses of R&D dollars.

To the question of adverse reactions among federal agencies with a more commercial bent, Mat Heyman, spokesman for the Commerce Department's National Institute of Standards and Technology, replied: "Our assignment is clear. We work with and for U.S. industry to improve competitiveness. We work with lots of people, including the Department of Defense's manufacturing technology program."

NIST's broad assignment means its researchers often collaborate with their counterparts in the Defense Department, he noted.

"They're one of our major customers and we're one of their major helpers," Heyman said. "If Congress designated DoD as the lead role in federal R&D," it would not create friction over turf.

Dr. William Smith, professional staffer for the Senate Armed Services Committee, said the civilian/military division "has all but disappeared."

In agreement, Andahazy pointed to the way manufacturing science has captured the attention of Pentagon officials. A stronger emphasis should be placed on process engineering and science to help industry toward shorter production cycles and improved efficiency, Andahazy said.

Congress also has become increasingly interested in manufacturing science and engineering sectors, Smith said.

Congressional leaders have been meeting with industry to insure the nation's industrial base does not collapse along with the declining defense budget. Although President Bush's 1992 budget proposes an overall real growth rate in R&D of about 10 percent, it would decrease in real terms by technology base by 3 percent.

Congress wants to implement new procurement procedures to shorten the cycle time based largely on recent recommendations from the Carnegie Commission on Science, Technology and Government.

"We are going down a new path as we take on this budget challenge," Andahazy said."

The Senate's Smith noted a general concern on the Hill regarding the low degree of Pentagon R&D funding—less than 2 percent—reserved for manufacturing technology.

Moreover, the historical separation between the design and manufacturing processes in the United States needs to be addressed, Smith said.

The Japanese design right from the beginning, with a major emphasis on "lean production," he said. U.S. government and industry follow the "Noah principle," Smith said. "We need to stop rewarding people for producing rain and reward people for building arks."

THE INSURANCE SUBPART F REFORM AND IMPROVED FOREIGN COMPETITIVENESS ACT OF 1991

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. GUARINI. Mr. Speaker, I am today introducing the Insurance Subpart F Reform and Improved Foreign Competitiveness Act of 1991. I am pleased that my friend and colleague on the Ways and Means Committee, Congressman GUY VANDER JAGT, is joining me in introducing this important legislation. This legislation is intended to improve the global competitiveness of insurance companies owned by U.S. shareholders and to correct unintended consequences stemming from amendments to the subpart F provisions made by the Tax Reform Act of 1986. Sufficient time has now elapsed to evaluate the impact of the Tax Reform Act of 1986 on various groups of taxpayers. The hearings held during the 101st Congress by the Ways and Means Committee on the impact, effectiveness and fairness of the 1986 act highlighted that, while the 1986 act overall has achieved its goals of moving toward a fairer, simpler, and more efficient tax system where tax consequences do not drive economic decisions, some corrections to the 1986 act are necessary. We should not hesitate to correct those problems that have been identified.

Under general U.S. income tax rules, a U.S. shareholder of a controlled foreign corporation is not taxable on the earnings of such a corporation, until such earnings are distributed back to the United States as a dividend or upon liquidation. The purpose of subpart F is to prevent deferral of U.S. tax through the unjustifed use of tax havens. It accomplishes that purpose by subjecting to the subpart F rules only certain limited categories of income. Under subpart F, certain categories of the undistributed foreign-source income of U.S. controlled foreign corporations are taxed currently to substantial U.S. shareholders, whether they be individuals or corporations.

Subpart F was not intended to prevent U.S.-owned enterprises from competing effectively with foreign-owned companies in foreign markets. However, U.S.-owned insurance companies subject to the present subpart F rules which were enacted as part of the Tax Reform Act of 1986 particularly are at a competitive disadvantage. For instance, U.S. insurers currently are required to organize separate subsidiaries in each of the 12 member states of the common market in order to avoid having their underwriting income treated as subpart F income. Their foreign competitors operate under no such restrictions. Thus, a Japanese-owned Belgium insurance company can underwrite risks in neighboring France, without subjecting its Japanese shareholders to current tax on its undistributed earnings. In contrast, a United States-owned Belgium insurance company would generate subpart F income by underwriting French risks. To avoid subpart F income, the United States shareholders would have to incoprorate a separate French subsidiary, or establish a separate branch in France, and forego the cost savings and operating efficiencies available to the Japanese-owned Belgium company. In particular, such an approach would increase the amount of capital required to operate in each of these jurisdictions over what would be necessary if it was possible to operate through a single corporate entity throughout Europe.

Under this legislation, three changes would be made to the subpart F rules, to eliminate the current competitive disadvantages. First, for controlled foreign corporations that are created or organized under the laws of any of the common market countries, such companies would be able to insure risks throughout the European Community without regard to subpart F consequences. This change is necesary to reflect the reality that, beginning in 1992, the European Community of Belgium, Denmark, France, Greece, the Irish Republic, Italy, Luxembourg, The Netherlands, Portugal, the Federal Republic of Germany, and the United Kingdom will indeed operate economicaliy as one country. To prevent abuses, the change would not apply to any controlled foreign corporation insurance company incorporated in a common market country unless the controlled foreign corporation is subject to a maximum statutory tax rate greater than 90 percent of the maximum U.S. corporate tax rate. Thus, for example, a controlled foreign corporation incorporated in the Irish Republic which is enjoying the tax holiday provisions providing a zero tax rate would not qualify even though the maximum corporate tax rate in the Irish Republic exceeds 90 percent of the United States maximum corporate income tax rate.

Second, this legislation would exempt from the definition of passive investment income under subpart F the dividends, interest, and gains from the sales of stock or securities by insurance companies, but only to the extent such income was attributable to the investment of unearned premiums and reserves, and a limited amount of earned premiums from insurance contracts with respect to risks located in the country of incorporation or in a qualified insurance branch. This change is needed because investment income is an integral part of an insurance company's business, and should not automatically be classified as subpart F income. In applying this rule, the European Community would be treated as a single country as a result of the first change I described. This rule would be subject to the same tax haven restriction as the first change.

The subpart F rules on passive investment income were designed to apply to interest, dividends, and other passive income that could easily be routed through foreign countries to maximize U.S. tax benefits. See Staff of Joint Committee on Taxation, General Explanation of the Tax Reform Act of 1986 (Comm. Print 1987), at 966–67. Unearned premiums and reserves, and the earned premiums needed to build up the surplus of an insurance company, are not the types of assets that are inherently manipulatable. This legislation provides that earnings on such assets would not automatically be subject to subpart F. Under the bill, the investment income of foreign insurance companies would not be treated as favorably as under the pre-Tax Reform Act of 1986 provisions. An insurance company's investment income would be excluded from passive investment income only if the income were attributable to risks located in the country of incorporation or a qualified insurance branch of the insurance company. Reinsurance arrangements would be classified based on the situs of the underlying risk. The Secretary of the Treasury would be directed to issue regulations to prevent abuses.

Third, the high tax exception of the subpart F rules should be changed to allow companies to use the tax accounting rules of their country of incorporation in qualifying for the exception. This change is especially necessary for insurance income, because most foreign countries tax insurance income on a narrower tax base than does the United States, making qualification for the high tax exception by insurance companies a practical impossibility, in many cases. As in the case of the other two changes, this proposal would not apply to controlled foreign corporations enjoying tax haven treatment. Thus, for example, neither this change nor the change applicable to the treatment of investment income would apply to a controlled foreign insurance company incorporated in a tax haven jurisdiction.

The above changes would provide needed, if somewhat limited, relief to U.S.-owned insurance companies that are currently disadvantaged in relation to their foreign competitors. Although not included in the bill, we should also consider whether all insurance companies, other than those incorporated in tax havens, should be allowed to underwrite cross-border nonrelated party insurance without generating subpart F income.

I strongly encourage my colleagues to cosponsor this important legislation and to work for its prompt enactment.

FAST-TRACK PROCEDURES

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. SOLOMON. Mr. Speaker, I have today introduced a "sense of the House" resolution that I hope will contribute in a positive way to the debate on how trade agreements will be considered under House—and Senate—rules in future.

As you know, the House may soon take up the question of extending so-called "fast-track" congressional procedures to cover consideration of trade agreements arrived at through negotiations completed by the President before June 1, 1993.

That extension would allow the President to carry on with negotiations both for free trade zones and under the General Agreement on Trade and Tariffs, with the proviso that the President should strive to negotiate effective measures on labor standards and environmental protection in any free-trade agreement with Mexico—and with the obvious proviso that, under fast track, the Congress may ultimately vote down any trade agreement it does not believe serves our national interest.

As ranking member of the Rules Committee, which shares jurisdiction with the Ways and Means Committee over fast-track congressional procedures for trade agreements, I have come to appreciate the concerns ex-

pressed by Members who believe that those particular fast-track procedures do not provide the Congress an adequate opportunity to separately consider the impacts of trade agreements on environmental and labor standards at home and abroad. As international trade negotiations become more complex, they are more and more intruding into the area of such standards and their enforcement—or lack of enforcement—by the signatories to the subsequent agreements. Indeed, I believe it possible that the next GATT round may deal strictly with such national standards as they affect world trade—particularly environmental protection and enforcement.

Mr. Speaker, the resolution I am introducing today recognizes the growing connection between negotiations on trade and international labor and environmental standards. While calling on the U.S. Trade Representative and other executive branch officials to continue to seek to bring developing countries more fully into the global trading system, it also calls on them to seek those nations' increased contribution to protecting the environment and improving labor standards. At the same time, it calls on the Committees on Rules and on Ways and Means to use the period leading up to the presently-scheduled termination of fast-track in 1993—given the adoption of he 2-year extension—to look into ways that the rules of the House might be revised to provide fast-track consideration to international environmental and labor standards agreements, whether those are arrived at through trade negotiations or in separate venues.

Mr. Speaker, admittedly, I do not know what final form such revisions might take. Still, as trade negotiations extend more and more into national regulatory areas. I think it is time for the Congress to look at new ways that it can avoid micromanaging Presidential negotiations—or endlessly amending international agreements until they are unrecognizable to either the President or to the foreign negotiators—and still have a chance to separately vote on international agreements that affect environmental and labor standards around the world.

Be devising a fast-track for international environmental and labor standards agreements, perhaps the Congress can help make the United States a leader not just in expanding world trade—and prosperity and democracy along with it—but in expanding efforts to protect the environment and prevent abuse of the rights of workers.

LASALLE ACADEMY—A BLUE RIBBON SCHOOL

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. REED. Mr. Speaker, I ask my colleagues to join me today in paying tribute to LaSalle Academy in Providence, RI. The Department of Education has chosen LaSalle as a Blue Ribbon School, one of the schools of excellence of the Education Department's National School Recognition Program.

LaSalle Academy is a Chrstian Brothers School, with a history of training and developing young minds for more than 150 years. As a LaSalle graduate and a member of the House Education and Labor Committee, I couldn't be more pleased to be able to share in this tribute to the strength of the LaSalle program.

The spirit of LaSalle has stayed with me throughout my postsecondary education and into my career in public service. The lessons I learned at LaSalle went far beyond the classroom and have carried far into my life.

It was at LaSalle that I developed my regard for education and my interest in public service. Loyalty to country and community has long been the hallmark of the LaSalle graduate.

The LaSalle curriculum includes the Freshman Foundation Program, designed to help ninth graders make the crucial transition to high school.

Each student at LaSalle also is assigned to a guidance counselor who helps the student with college applications and financial aid planning.

The faculty at LaSalle includes sisters, priests, and lay teachers and more than three-quarters of them have an advanced degree in their subject area. Perhaps more importantly, LaSalle's faculty members are not just around during class time. Teachers are also coaches, activity leaders, and informal counselors and friends.

The academic program at LaSalle encourages students and more than 90 percent continue their education. But the LaSalle program couldn't be successful with just the classroom and study time it requires. LaSalle is about people and activities and a community that fosters learning and growth.

This award is a tribute to all those involved with LaSalle Academy, from the teachers to the students to the alumni. I hope that LaSalle can serve as a model for schools across the country.

I applaud LaSalle Academy's award from the Department of Education and look forward to continuing my close association with my alma mater.

IN HONOR OF THE RIGHT REVEREND C. BRINKLEY MORTON

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. LOWERY of California. Mr. Speaker, I rise today to pay tribute and homage to the Right Reverend C. Brinkley Morton; J.D., D.D., Bishop of the Episcopal Diocese of San Diego. For the past 9 years, he has been the spiritual leader of the Episcopal Diocese of San Diego, an ecclesiastical jurisdiction spanning three southern California Counties. I deeply regret that declining health now compels him to retire.

Bishop Morton showed great leadership potential at an early age. But while he has always been a deeply religious person, he did not become a man of the Episcopal Church until later on in life. A native of Meridian, MI, he was educated in the public school system of Mississippi. He interrupted his education to serve as an infantry officer during the Second World War and earned the the Silver Star, the Bronze Star with Oakleaf Cluster, and the Purple Heart while fighting in the European theater.

Following his release from active duty, Lieutenant Morton entered the University of Mississippi to complete his studies and begin a career in law. Remarkably, while a law student, he was elected to the Mississippi House of Representatives. Representative Morton received his law degree, juris doctor, from the University of Mississippi, graduating cum laude in 1949. He then opened a private law practice in Senatobia and continued to serve in the State House of Representatives until he was elected to the State Senate in 1952. During his legal career, he was admitted to the Mississippi bar, the Tennessee bar, the U.S. district court, the U.S. Court of Military Appeals, and the U.S. Supreme Court. He also authorized articles for the Mississipi Law Journal and the Journal of Mississippi History.

In 1956, Senator Morton made a decision that would radically change his life and the lives of others. He withdrew from the Mississippi Senate and private practice in order to prepare himself for the ministry of the Episcopal Church. He received his master of divinity degree, optime merens, from the University of the South School of Theology 3 years later.

Upon completion of his theological studies, Reverend Morton served Episcopal congregations in West Point and Ocolana, MS; Memphis, TN; and Birmingham, AL, where he was dean of the Cathedral of the Advent. And when his country went to war in Korea, he was recalled to active duty. This time, however, he served not as a soldier but as a chaplain for the U.S. Army.

After a long and illustrious career in service with the church and the community, Dean Morton was ordained and consecrated bishop of the Episcopal diocese of San Diego on September 29, 1982. In addition to his membership in civic organizations, academic societies, and veterans groups, Bishop Morton now acts as a trustee of Berkeley Divinity School at Yale University and president of the House of Bishops for the 17 dioceses comprising the Province of the Pacific. Bishop Morton's many contributions to San Diego and our country are reflected in his inclusion in "Who's Who in America" and "Who's Who in the World."

Mr. Speaker, rarely have I had the opportunity to honor an American of such remarkable stature and character. Hero, scholar, jurist, legislator, author, and ecclesiastic of the highest order, Bishop Morton retires having lived the lives of many men. He reminds us of our capabilities and inspires us to pursue our dreams.

TRIBUTE TO JAMES D. WORDEN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate James D.

Worden, of Providence, RI, this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for St. Dunstan's Preparatory School, in Providence, RI.

This award is presented to the student chosen by St. Dunstan's Preparatory School who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

James D. Worden has certainly met these criteria. He is the treasurer for the Student Council. He has also participated on the varsity basketball and soccer teams. In addition, James has worked with handicapped children in his community.

I commend James D. Worden for his outstanding achievements and wish him the best of luck in all his future endeavors.

TRIBUTE TO JOHN SARSFIELD

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. RIDGE. Mr. Speaker, recently, the Subcommittee on Census and Population of the Committee on Post Office and Civil Service, on which I serve as the ranking minority member, held a hearing to review the activities of the Christopher Columbus Quincentenary Jubilee Commission. This Commission was established in 1984 to prepare and coordinate a comprehensive program for commemorating the 500th anniversary of Christopher Columbus' maiden voyage to the "New World."

Today, I would like to speak on a matter separate from the Commission, but related to the Columbus quincentennial. John Sarsfield, a western Pennsylvania native, was dedicated to building an authentic duplicate of one of Columbus' ships, the *Niña*. Unfortunately, John's life ended prematurely at the age of 43 on July 11, 1990, before his dream of completing the replica *Niña* was realized.

In view of John's efforts and unique contribution to our understanding of American heritage, and the coming Columbus quincentenary, I would like to submit the following article which appeared in the November 5, 1990, issue of the ISDA Unione. It was written by John's mother and beautifully relates his personal story and commitment to build an authentic replica of the *Niña*.

A MOTHER'S DIARY OF HER SON'S TRIBUTE TO CHRISTOPHER COLUMBUS

On October 12, 1992, we will celebrate the 500th anniversary of the discovery of America. We have grown tremendously in research in the past years and the quincentennial will introduce you to the dreams of a man who visualized the excitement and depth of building an authentic duplicate of one of Columbus' ships—The *Nina*. His many years of dedication to the research of the 16th century boat building methods led John Patrick Sarsfield to the construction of the *Nina*.

When their two years in the Peace Corps were completed in 1974, John and his wife Gigi decided to remain in Brazil where John continued to work for the Brazilian Government as an air and water pollution engineer for at least four more years. John and Gigi took advantage during this time to travel to the interior and also to visit the many small coastal villages in Rio, Bahia, and Recife where they received their Peace Corps training in language and culture. He realized then that some type of sailing vessel (that he could afford) was needed to further explore the accessible waters of this vast country.

There was so much to experience in Brazil, so much to see and to learn; above all he wanted to absorb, enjoy and taste the goodness of this corner of God's earth.

In the back yard of his home in Rio, he started to build a polynesian catamaran. During one of my visits to Rio, I was able to see this latent talent at work. It was a labor of love, the catamaran was constructed with the greatest precision and perfection down to the smallest detail. I watched an object of beauty and symmetrical design take shape before my eyes. Later, on a return visit to Brazil, John's father and I had the thrill of sailing with our son John and his four-year old son Colin Patrick on the catamaran. We stopped at many of the small islands to refresh ourselves in the beautiful tropical atmosphere of palm trees and white sand beaches.

Fishing vessels were a necessity in these areas and the people of Bahia were eager to explain to John their age-old methods of building boats and of the availability of so many diverse and abundant species of trees in the jungle forests of Brazil. John lived with the Bahians to learn their trades and become familiar with the craftsmanship in their use of traditional building tools.

After a few years in the States, John was eager and anxious to return to Brazil to continue his research and perhaps some day build a large ship of his own design. He was able to do this through a grant from "Partners in Progress" which enabled him to continue and further his research in this area.

In 1988 John was recognized as a Maritime Historian and a Ship Reconstructionist for his research into methodologies of ship construction of 16th century vessels and it was in 1988 that he accepted a commission to build an authentic replica of the *Nina* for the 500th anniversary in 1992, the Columbus Quincentennial.

The John Sarsfield *Nina* is a replica of a generic late 15th Century Iberian Caravel and is being built not in Spain or the United States, but in Valenca, Bahia, Brazil. John selected Valenca as the construction site for the *Nina* because of the shipbuilding methods still in use, that is, Mediterranean molding, and the traditional tools and construction methods available. In addition, the forests in Valenca are a source of the size and quality of timber necessary to build large wooden ships. When completed, the John Sarsfield *Nina* is expected to be the most authentic replica Columbus Era Ship ever built.

As a preliminary to the construction, John spent many long and tedious hours selecting trees of certain shapes and types in the jungle forests of Bahia. The 80-foot logs had to be pulled by teams of oxen from the forest to the main road. The trucks were not too reliable and often broke down in the transportation of the huge logs to the banks of the Rio Uno.

To date, the hull of the *Nina* is completed, also the planking, and work has begun on the decking and with the progress presently being made, launching of the ship is scheduled at Velenca for January, 1991. John's wife Gigi and son Colin will be present for this big event. The ship will either be completed in Bahia, Brazil or it will be taken to the Virgin Islands for completion under the direction of Morgan Sanger.

John was cut off from life at the age of 43 on July 11, 1990 and his dream of completing the replica *Nina* was ended. On that fateful morning of his life, strong and healthy, bouyant in hope and with every earthly prospect brightening before him, all hopes and dreams of completing and sailing his beloved *Nina* were immediately cut off by the hand of a wise but mysterious Providence—he was killed instantly—he was killed instantly—a victim of a hit-and-run accident in Brazil. All who encountered John in life (and he traveled widely) remember him for his warm, receptive nature, a nature born of a renaissance spirit, a man of discovery, a man with a zest for life and a desire to experience it to its fullest.

PROLIFERATION PROFITEERS: PART 13

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. STARK. Mr. Speaker, today I will begin placing into the CONGRESSIONAL RECORD a second set of dozen case studies on foreign companies which have sold nuclear weapons technology to developing countries.

These case studies have been compiled by Cameron Binkley of the Emerging Nuclear Suppliers and nonproliferation project at the Monterey Institute of International Studies. They are a clear demonstration of how Western companies have helped advance the nuclear weapons programs of Iraq, Pakistan, India, Argentina, Brazil and other countries.

We need to put an end to this nuclear wheeling and dealing or else face a world in which terrorist nations threaten us with the ultimate weapon. I have introduced legislation that would put import sanctions on foreign firms which sell nuclear items without the proper safeguards. This legislation has been endorsed by leading experts in the nonproliferation field, including Gary Milhollin, director of the Wisconsin project on nuclear arms control. His letter on the bill follows part 13 of my series on proliferation profiteers.

TWELVE FOREIGN FIRMS REPORTEDLY ENGAGED IN INTERNATIONAL NUCLEAR WEAPONS-RELATED TRADE[1]

FIRM 1: BELGONUCLEAIRE SA (BELGIUM)

The Belgian firm Belgonucleaire SA is a leader in plutonium waste treatment and technology, including the manufacture of mixed plutonium fuels for advanced nuclear reactors. Belgonucleaire offers its products as well as nuclear engineering and consulting services on a worldwide basis. In 1987, it was implicated in a major corruption scandal involving several German firms, most importantly Nukem GmbH and its subsidiary Transnuklear GmbH, who for years illegally transferred or disposed of toxic radioactive waste through fraudulent contracts with the Nuclear Research Center at Mol, Belgium. The Mol center held a 50 percent share in Belgonucleaire, which together with Nukem and Transnuklear held all shares in the Belgian firm Transnuble NV. Transnubel is the

[1]These abstracts were compiled by Cameron Binkley from articles held in the Emerging Nuclear Suppliers & Nonproliferation Project database. The validity of information contained within an abstract is based solely upon the original sources.

Belgian enterprise responsible for the transport of radioactive materials. Because of the scandal between Transnuklear and Mol, which revolved around deliberate mislabeling of nuclear waste containers, Germany's Der Spiegel accused Belgonucleaire of participation in the clandestine transfer of nuclear weapons materials onto the international black market, perhaps even to Pakistan or Libya. Although such claims have not been verified, Belgonucleaire had on numerous past occasions solicited orders from Pakistan, Libya, Egypt, Taiwan, and Korea—all states of proliferation concern.

Historically, Belgonucleaire has provided a considerable degree of technical assistance to both Libya and Pakistan. Belgonucleaire has also provided training services for employees of Pakistan's Atomic Energy Agency (PAEA) that involved individuals known to have been associated with Pakistan's nuclear weapons program. The president of the PAEA, Munir Khan, once recognized Belgonucleaire for its services in the construction of a small nuclear "pilot facility," built during the seventies, which gave Pakistan the "capability to produce the necessary plutonium for a bomb."

Sources: "Brussels Domestic Service," 1/17/88; "Bulletin of the Atomic Scientists," 4/89, pp. 21–27 by Dan Charles; "Nuclear News Buyers Guide," 3/89, p. 4; "Le Soir," 1/19/88, p. 4 by Guy Duplat; "Der Spiegel," 1/18/88, pp. 18–30, 9/17/88, pp. 22–26, 9/30/89, pp. 59–61; "Le Vif/L 'Express" (Brussels), 4/24/87, pp. 10–19 by Michael B. Balthasart; "Nucleonices Week," 2/18/88, pp. 1, 8–9 by Mark Hibbs & Ann MacLachlan.

WISCONSIN PROJECT
ON NUCLEAR ARMS CONTROL,
Washington, DC, March 11, 1991.

Hon. FORTNEY H. (PETE) STARK,
Member of Congress, House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN STARK: Thank you very much for your letter of March 1, enclosing H.R. 830, your bill to impose sanctions on foreign companies that contribute to the spread of nuclear weapons.

I congratulate you for this effort and support it wholeheartedly.

It is unfortunately true that some irresponsible companies have been willing to make a quick profit at the expense of world security. As your bill accurately assumes, these companies must be convinced that they will lose more by making dangerous exports than they will gain. And to do the convincing, sanctions are necessary.

I will remain available to provide whatever support I can to your effort to get the legislation passed. I have attached some notes on the bill's language, and one suggestion that you may consider incorporating.

Sincerely yours,

GARY MILHOLLIN.

HOW CHANGE AFFECTS GOVERNMENT

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. GINGRICH. Mr. Speaker, I would like to urge all my colleagues to read the following article by Bob Walker that was published in "Carolina Issues" by the John Locke Foundation last month.

THE FOUR REVOLUTIONS—HOW POLITICAL, ECONOMIC, CULTURAL, AND TECHNOLOGICAL CHANGE WILL AFFECT GOVERNMENT

(By Robert Walker)

This is the most exciting time in history to be alive. Mankind's view of the world we occupy is changing. Humans see themselves in ways far different from in the past. Our perspective on the future is truly universal.

With massive change comes challenges and confusion. Many people who are witnessing the turmoil around them become fearful and resentful. They see changes as transforming their lives, not always for the better. Very often, their role in changing times is not as an agent of change, but as a victim. Something on which they count gets transformed in ways they see as adverse—a job loss, a cut in pay, a lost promotion, a massive health care bill, etc. Most people have little interest in or knowledge of the larger context of the changes they see.

Yet political mandates arise from understanding the nature of change, breaking free from politics of the status quo in order to exploit that change, and providing meaningful explanations of the change so that large numbers of people begin to feel confident about the future. Thus far, no political party or movement in the United States has stepped forward to claim that mandate at the close of the 20th century.

The fact is that the end of the 20th Century parallels in some important ways the close of the 18th Century. By the late 1700s, politics was being transformed by the rise of democracies to replace the divine right of kings. Economics was being transformed as human beings went from feudal to national economies and from agrarian to industrial livelihoods. Technology drove much of the economic change, and cultural life reflected the transition as people moved from rural areas to the cities.

Today we see four great revolutions taking place simultaneously and influencing one another. These four revolutions are political, economic, cultural, and technological. In each of the four, the changes taking place are so enormous that the shape of history is being remolded. But even more significant is the fact that the revolutions are interactive, with each feeding off the others. The implications of everything changing at once are immense, but must be at least acknowledged, in any movement that seeks to dominate thinking in the next century.

Without much effort, one can convince even casual observers that a political revolution is sweeping the globe. The demise of state socialism in the Soviet Union, the loss of the Soviet empire and the rise of democracy in Eastern Europe, the strengthening role of terrorism and dictatorship in the Middle East, the move away from centralized power in many Third World countries, and even the abortive attempt to democratize China, are all signs of a political world changing in dramatic ways. Most American people are quite aware of the significance of this political revolution.

The economic revolution is harder for most Americans to see and understand. Two major shifts are underway. We are moving from an industrial economy to some kind of post-industrial economy. While the precise nature of the post-industrial order is yet unknown, it is clear that intellectual acumen and information will play a heavy role in its development. The globalization of the economy means that competition in the future will be ever more intense, coming not only from the guy down the street or in the next town or in the next state, but from every nation. Quality and efficiency will be absolute requirements in such a marketplace and it is those requirements that are transforming the way American industry works today. Clearly, the only way most businesses will remain competitive in that kind of environment will be to use more innovative technologies. It is also clear that chauvinism and protectionism as national policies are fraught with danger as the twin revolutions of global and informational economic structures grow.

The cultural revolution is in large part a response to the other changes we see about us. And the concept of a cultural revolution encompasses a wide range of such responses. There is a rise in religious fundamentalism, in part because people are seeking moral imperatives in a sea of change. Fundamentalist churches have grown in popularity in the United States as mainline churches, with their retreat to moral relativism, have declined. In times of massive change, people seem to want to build upon a foundation of absolutes, rather than on the lowest common denominator. Religious fundamentalism is also obvious in other parts of the world, most notably the Middle East.

Another aspect of the cultural revolution is the rise of the environmental ethic. Worldwide, environmentalism transcends the political movement and to becoming a part of everyday life. The ability to view ourselves from outer space and recognize the fragility of the spaceship we occupy has created a basic need in people to be a part of protecting the environment for succeeding generations.

The technological revolution is on one hand obvious, but on the other so diverse as to be invisible. The ability to watch the Persian Gulf War in real time on television came about gradually enough that it seemed normal, but in fact is a major leap from the era of Vietnam war coverage. Computers are well beyond being scientific tools and today are essential elements in everything from management to medicine to education. And we have just begun to scratch the surface of their potential in fields such as communications and robotics. The electronics world changes so fast that every product brought to the consumer electronics marketplace is absolete 18 months after its introduction.

Just as we are able to span the globe in fractions of seconds with our communications tools, we are able to transport ourselves anywhere on the Earth in a matter of hours. And in a few short years, that time will fall to minutes. Even today, the space shuttle carries astronauts around the world in 90 minutes. Biotechnology promises new solutions to health care and even new ways of dealing with problems created by mankind, such as oil spills. As our research tools become more powerful, we can only speculate what new discoveries lie ahead that have the potential of totally transforming the way humans live and work.

The most important fact about these four revolutions is that they interact in ways that make the magnitude of change even greater. No one of the revolutions is exclusive. Each gains strength from the others.

The rise of democracy in Eastern Europe was partially influenced by the communications revolution that brought the outside world behind the Iron Curtain. Watching life in the Western world on CNN made even the communist policymakers of Eastern Europe dissatisfied with their progress and raised questions in their minds about the vitality of their own system. Reform in the Soviet Union arose from an inability to compete economically and a need, therefore, to de-

velop closer ties with the West. Religious fundamentalism has led to significant governmental change in the Middle East, and has fueled political debate on issues such as abortion in this country. The technological advances which have permitted the instantaneous dissemination of information have also added to the burden of policymakers who must react to changing events in far shorter time than ever before. And those same policymakers must act knowing that their information is not necessarily superior to that in the hands of nearly everyone else. Thus, technology has made political decisions even tougher.

The challenge we face is to understand the nature of the four revolutions in ways designated to establish a political framework for addressing the future, tailor a political message to an optimistic analysis of the future, build a consensus around policies that make sense in the midst of revolution, and begin the process of rejecting policies that tie us to the status quo.

Some of those forward-looking policies are obvious. Tax rates should be kept low so that the investment dollars necessary to build a new economic infrastructure are available. Decisionmaking must be kept as close to individuals as possible, because when change necessitates action, the most positive results will come from people taking charge of their own lives. Self-reliance is an asset in revolutionary times.

Technological innovation must be actively encouraged, not discouraged by government regulation or cultural fear of the unknown. Strong ethnical and moral foundations must be laid and maintained so that people have values to cling to as change envelopes their lives. As technology and knowledge open new frontiers, those frontiers must be explored and exploited so that the avenues of growth and opportunity constantly expand.

Applying such general principles to issue-oriented problem solving is the toughest political challenge. Without attempting to suggest an agenda for every political issue we now face, it is instructive to look at a couple of present problem areas with long-term implications for our future: education and urban failure.

Talking of education reform has centered recently around the choice issue, and while choice is a valuable ingredient of an educational program to meet the challenges of revolution, it is not a solution in and of itself. The educational revolution that must take place is a switch to individually based instruction. It is now possible with the technological tools available to design and implement and individualized instructional program for every student. This would mean that each student would progress at his or her own pace, succeeding better in some areas than in others, but ultimately getting a balanced education which prepares them to work in a climate of rapid change. The educational establishment will resist such a system vehemently because it challenges the very essence of how we now teach. Choice is necessary within such a system because only the parents will be able to follow the progress of their child through such a program, and they must have the authority to pull the child out of a situation which is not working for him or her.

Another aspect of educational reform necessary to accommodate revolution is lifetime learning. We must design our educational programs so that they are available throughout an individual's live. School plants and facilities must be better utilized in ways that assure that as change brings need for new educational skills in a person's life, the schools and their programs are readily accessible.

Urban decline is a prime example of the old ways of doing things being inadequate for revolutionary times. The cities have lost their tax base as their quality of life has declined. The only way to restore the cities is to restore the quality of life within them—to reduce crime, provide productive jobs, assure quality education, and keep a clean and healthy environment. Those goals are no different than the ones being pursued now, but the solutions offered now tend to be centralized in their thinking and economically destructive in their application. What cities say they need is more welfare support, more dollars for bureaucracy, and increased urban renewal. None of these things, even fully funded, will promote urban survival. The only way to do the job is to refocus the cities and see them not as centralized, but as a collection of small communities. The communities (neighborhoods) within the urban core must be given autonomy to deal with their own problems. Crime will decrease when neighborhoods ban together to stop it. Business and jobs will increase if neighborhoods are not forced to wait on city managers before going ahead with homegrown projects. Again, such a solution will be antithetical to the establishment, because their political power base is dependent on centralized control, but it is another example of why a political movement which is going to dominate the revolution must be prepared to take on the status quo.

The fact is that the political opportunities inherent in grabbing hold of the four revolutions are enormous. The economic revolution means there are unlimited horizons for growth. The cultural revolution means that there is a yearning for values that reform leadership can provide. The technological revolution means that we can build the tools necessary to do anything we can dream. The political revolution means that someone or some movement will seize the opportunity and reshape the future. Advocates of free markets, limited government, low taxes, and deregulation are ideally positioned to do just that. The only question is: do we have the guts to do it?

TRIBUTE TO ANDREW JEFFREY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to congratulate Andrew Jeffrey, of Pawtucket, RI, this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for William E. Tolman Senior High School in Pawtucket, RI.

This award is presented to the student chosen by the William E. Tolman School who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Andrew Jeffrey has certainly met this criteria. He has been selected to the Rhode Island Honor Society, National Honor Society, and as a Presidential scholar. In addition he is vice president of the senior class, and cocaptain of the cross country team. He also participated on the indoor and outdoor track teams.

I commend Andrew Jeffrey for his outstanding achievements and wish him the best of luck in all of his future endeavors.

TRANSITION TO A MARKET ECONOMY IN HUNGARY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. HOYER. Mr. Speaker, last month the National Endowment for Democracy sponsored an international symposium entitled, "The Unfinished Revolution." Leaders from emerging democracies all across the globe gathered here in Washington to discuss and compare the goals they cherished and the difficulties they faced.

Among the participants was Mr. Gabor Demszky, Mayor of the city of Budapest in Hungary. Mr. Demszky, a founder of the Alliance of Free Democrats, has been involved in the struggle for civil and human rights in Hungary all his adult life. In 1980 he founded the AB Independent Publishing House, which, in spite of police raids, arrest, and court orders, published several hundred books and periodicals over the next several years. He was also editor, together with his wife, or the samizdat paper Hirmondo. In 1989 he was elected to the 11-member Executive Board of the Alliance of Free Democrats, and in the spring of 1990 was elected Member of Parliament in Hungary's first free elections in over 40 years.

Mr. Demszky impressively described the challenge facing Hungary as it struggles to make the transition from a Communist system to a market economy. The challenge for Hungary, as for the other East-Central European countries, is multifaceted: In addition to establishing democratic social and political conditions, they have to reconstruct a market, teach their people to venture into business, and create the legal, economic, infrastructural and other frameworks in which such a transformation can take place.

I urge my colleagues to read Mr. Demszky's remarks, submitted here in their entirety. The more we learn about the hopes and difficulties our friends in emerging democracies share, the more we will be able to help them reach their goals.

HOPES AND DIFFICULTIES—BUILDING A MARKET IN HUNGARY

(By Mr. Gabor Demszky, Mayor of the City of Budapest)

In 1948, when the Communists wrested political power for themselves through elections whose fraudulence was barely concealed, activists gathered in the streets in celebration and sang, "By tomorrow we'll turn the whole world around." But through the forced abolition of market conditions, the almost complete nationalization of private ownership, and the economic volunteerism they called economic planning, the leadership succeeded only in "turning" the communist countries, Hungary included, into economic chaos.

Let us at least mention a few points that illustrate the consequences the last four or more decades of communism have wrought. Last year the Hungarian government owed $21 billion. This is almost double the per cap-

ita debt of Poland, and almost four times that of Czechoslovakia. We are left with a country where the ratio of agricultural workers is, on average, about five times that of Western Europe, and where the per capita GNP is about three thousand dollars.

In the wake of the communist regime, Hungary is a country where state ownership is roughly 90 percent, where the economy is dominated by monopolies, where there is no accumulated capital in the hands of the population because everything was taken away from the people through nationalization and subsequent government measures, where for the past forty years a conscious attempt was made to abolish the traditional Hungarian middle class.

It is true that over the last two decades the regime's brutality decreased significantly, but the popular anti-intellectualism of the communist structure endured to the end.

I had to mention all these sad and perhaps horrifying facts so that you can appreciate the circumstances under which Hungary must try to bridge the gap to become competitive with Europe and the world market.

Why does western capital come to Hungary in particular?

Our situation is much more difficult than it was for Spain, for example, when that country moved from a dictatorship to a democratic environment. A market economy had prevailed continuously in Spain, even if there were certain diversionary mechanisms—as there are in all dictatorships. But we Eastern Europeans, in addition to having to establish democratic conditions, must also reconstruct a market, teach our people to venture into business, and create the economic, legal, infrastructural and other frameworks in which this can take place. In my opinion, Hungary is the best placed country in this regard within the entire East European sector.

To this end, two decades of reformed communism were an extremely useful "prerequisite" through which the population could become acquainted with certain market elements and could experiment with some limited enterprises. Over the past year, 50 percent of all Western investment in Eastern Europe was placed in Hungary—the smallest country in the region. This probably happened because the investors judged that, while investing in Eastern Europe is still an adventure comparable to the travels of Christopher Columbus or Marco Polo, it was least risky in Hungary, where the reactions of the natives were more predictable than elsewhere.

Besides grave concerns, I can also relate some encouraging results. For example, last year it so happened that Hungarian Government companies got a foothold in the world market. Hungary succeeded in acquiring trade assets worth almost one billion dollars, which is almost without precedent in Hungarian history.

It is also an unqualified success that as many joint ventures were established in the second half of last year as had been in existence until that time. Since Hungary guarantees the free use of profits, the investors do not take on too much of a risk. I must tell you that of the newly formed joint ventures, a significant percentage come into existence with minimal capital investment and are in the service sector.

Growing numbers of companies have been admitted to the Budapest stock exchange since its historic opening last summer. In the same way, it is a crucial and unquestionably positive sign that the world's leading companies are positioning themselves in Hungary one by one. General Electric led the ranks by acquiring a majority interst in one of Hungary's most renowned firms, Tungsram, followed by General Motors with an Opel automobile factory and an assembly shop now under construction, and, after extended negotiations, Suzuki, which is building a factory in Hungary.

Hungary is making an extreme effort to eliminate the backward condition of its infrastructure. Based on an agreement won by international tender, Siemens and Ericson will build one million telephone lines within three to four years. Negotiations are also under way with Italian and Austrian firms for the construction of highways. We are continuing to develop the possibility of hooking into the Western European electrical system.

A significant proportion of the working capital invested in Hungary comes to Budapest. As the city's Mayor, I welcome this gladly. There is enormous potential present in Budapest, and given the city's situation and past—viewed from both directions—it is the gateway to the East and West respectively.

The direction of the city is liberal; twenty-one of the twenty-two district mayors are liberal politicians in favor and supportive of free enterprise. We wish to open free passage for foreign investment; in fact, we are counting on it.

History has repeatedly proven that emerging from dictatorship galvanizes and energizes people. And the bonds of oppression have been thrown off not only in Hungary but also in our neighbors Poland and the Czech and Slovak Federal Republic, who for us are extremely important commercially, historically, and psychologically. We dearly wish that an ordered existence develop in our remaining neighbor countries. We are especially rooting for the completion of the frustrated revolution in Romania, since two and a half million Hungarians live there and it is not immaterial to us whether the country chooses democracy or dictatorship.

The resolution of conditions within the Soviet Union is also very important, since all one has to do is look at the map to understand what it means for a small nation of ten million when circumstances are unstable within the boundaries of the hundred-million strong neighbor. Some research institutions are predicting that with the introduction of a Soviet international passport the world must be prepared for six to eight million refugees, and we know that a significant number of these individuals, deprived of purchasing power in their own country, will only be able to reach the neighboring countries of Hungary, the Czech and Slovak Federal Republic, and Poland.

We Hungarians are clear about the fact that in the 1,100 years we have spent in the Carpathian basin, our situation has seldom been as difficult as it seems these days, now, when the country has regained its independence and political sovereignty; when we have no irrevocable hostilities with our neighbors, only conflicts to be solved; when our interests are the same as those of Western Europe, as well as of our Czech, Slovak, and Polish neighbors—to join the merging European Community as soon and as completely as possible.

We were stubborn about rejecting communism over the past several decades, sometimes through revolution, other times through reform. Today, we have succeeded in rejecting communism, but our stubbornness remains. Henceforth we shall be just as committed to rebuilding all that four decades of communism have destroyed.

In the last several very difficult years we have proven to Western bankers that Hungarians are prompt in repaying their loans. Now we would like to prove to investors that we are trustworthy partners, and prove to Europe that if the Hungarians were capable of creating a revolution in 1956 when that was necessary, they are capable of negotiating a mutually beneficial business deal in 1991 because today this is necessary. And I hope that from now on this kind of practical persistence will be the only thing we'll ever need.

INDIAN DEVELOPMENT INVESTMENT ZONE ACT OF 1991—ATTRACTING NEW BUSINESS OPPORTUNITIES FOR NATIVE AMERICANS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, today I am introducing the Indian Development Investment Zone Act of 1991, legislation to provide economic opportunities for Native Americans who are suffering from a critical shortage of jobs in their communities.

Many Indian reservations are being decimated by a combination of high unemployment rates reaching well over 50 percent and equally troubling poverty rates. There are people willing to work, but cannot, simply because no jobs are available in or near their communities. Many people are forced to leave their homes to look for work in metropolitan areas.

I believe that the legislation that I have introduced will help to turn things around for our native Americans by fostering new business development on Indian reservations. Challenging and profitable new employment in distressed Indian communities should help to revive a reservation's local economy and provide tribal members with an opportunity to work near their homes.

My bill authorizes the Secretary of the Interior to designate development zones in impoverished Indian communities. Once development zones are designated, the employment-related tax incentives found in my bill are designed to attract new businesses and to retain old ones located within the designated development areas. The incentives include:

First. An employment tax credit of 10 percent for increased spending on qualifying wages.

Second. An investment tax credit of 10 percent for certain depreciable real property used in a trade or business within a development investment zone.

Third. Credit for wages paid to economically disadvantaged individuals working in development zones.

These targeted incentives for areas of highest unemployment and poverty will stimulate the kind of economic growth so desperately needed to improve the quality of life for native Americans.

I urge my colleagues to join me in cosponsoring the Indian Development Investment

Zone Act of 1991, to assist tribes and tribal members to build a self-sufficient future.

A summary of the act follows:

SUMMARY OF THE ACT

DESIGNATION PROVISIONS FOR DEVELOPMENT INVESTMENT ZONES

Areas must be nominated by a tribal government for designation as an Indian development investment zone.

Final authority to designate nominated areas as development zones lies with the Secretary of the Interior.

Designations are based on the degree of poverty, unemployment and general distress.

Areas must be within the jurisdiction of tribal government and determined by the Interior to be an Indian area.

State and local governments must submit an inventory of the historic properties within a designated development zone.

The area must be located wholly within the jurisdiction of a tribal government.

Tribal commitments are also required, including reduced tax rates, streamlined governmental requirements, local services and technical assistance.

FEDERAL INCOME TAX INCENTIVES

Credit of 10 percent for qualified increased employment expenditures.

Credit of 10 percent for new development investment zone construction property.

Credit for wages paid to economically-disadvantaged individuals located in Indian development zones.

OTHER PROVISIONS

The Foreign Trade Board shall consider any application to establish a foreign trade zone within a development zone on a priority basis.

Waiver or modification of Interior rules are permitted in certain circumstances in order to further job creation, community development and economic revitalization objectives of the zones.

THE 75TH ANNIVERSARY OF THE WOMEN'S CITY CLUB OF CLEVELAND

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Ms. OAKAR. Mr. Speaker, I rise today to honor the Women's City Club of Cleveland which is celebrating its 75th anniversary.

The Women's City Club of Cleveland founded in 1916, is holding its "Crown Jewel Affair" on Friday May 17, 1991 at its new home, the University Club in Cleveland, OH.

The affair will honor 75 gems—Cleveland women leaders—along with past presidents, and Margaret Ireland recipients all of whom have contributed to the club and the Greater Cleveland community.

The Women's City Club remains one of our country's leading civic organizations. I ask that a short account of their history be placed in the RECORD:

History: Women of Action Since 1916.

In 1916, Women's City Club of Cleveland was organized for the purposes of promoting broad acquaintance among women, providing a central meeting place, maintaining an open forum for the discussion of topics of civic and public interest, and promoting the City of Cleveland.

From the beginning, many Women's City Club members were business and professional women and civic leaders. The Club has always provided a central location for women to share ideas and contribute to community betterment.

Programming at Women's City Club in its first decade consistently reflected women's concerns and growing political awareness. During that period, WCC committee work resulted in air pollution reforms, passage of legislation assisting the Cleveland Metropolitan Park System, a nutrition program for inner-city school children, the creation of a Women's Bureau for the Cleveland Police, and sponsorship of a lecture by Nikolai Sokoloff which simulated community support of a Cleveland orchestra.

Women's City Club also piloted a program of enrichment classes for children that proved so successful the Cleveland School system adopted it as its Major Work Program.

During the thirties, Club members continued to expand their knowledge, hosting science lectures and a speech by Amelia Earhart.

During World War II, Women's City Club brought women and the war effort together with studies on home defense, a volunteer effort at the Cleveland Chronic Hospital, and assistance to the American Red Cross. Increased awareness of the medical needs of our community led the Club to endorse medical diagnostic clinics and bills promoting child welfare.

The Cleveland Women's City Club Foundation was established in 1948 for the purpose of sponsoring educational programs and providing a public forum for the presentation of civic and cultural programs for the education of the general public.

In 1952, Women's City Club financed and produced public information television programs about health, nutrition and employment. The Club also initiated annual student nurse recruitment programs and courses for nursing home operators. Other projects of the fifties brought about narcotics legislation on the state level, local bond issues for freeway construction, a convention hall, and expansion of the Cleveland airport.

Programs launched in the sixties included receptions for members of Cleveland's diplomatic corps, the presentation of national authors through Meet the Author series, the introduction of Cleveland Arts Prize Awards and the publication of a community calendar as a clearing-house for civic and cultural events.

With the advent of the seventies, Women's City Club initiated a series of lectures and discussions for business and professional women. Also, women of national and international stature were recognized as Women of Achievement. In 1975, Women's City Club launched our city's participation in the International Women's Year activities.

In 1976, the Club dedicated Cleveland Heritage Park on the east bank of the Cuyahoga River, providing Clevelanders with a recreation area and museum in the heart of the city. Cleveland Heritage Park II was established in 1981 on the west bank of the river.

Women's City Club of Cleveland continues to welcome women into the mainstream of making good things happen in Cleveland. Our business, civic, cultural and informational programs are well known and our various awards salute local and national leaders.

Women's City Club is an important part of the revitalized Cleveland community.

AMERICA INVADED

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. STUMP. Mr. Speaker, the overwhelming majority of businesses in this country are small businesses. They are the backbone of our economy, and are exemplary of the free enterprise system and American initiative and ingenuity. Nine out of ten businesses in the United States employ fewer than 20 people, and each of these small businesses are an integral part of our communities.

One such small business is Block-Lite, of Flagstaff, AZ, located in the Third Congressional District. Block-Lite, which is owned by Wally Smith, manufactures concrete masonry blocks. It is a successful, family-owned company and Wally is an active, concerned member of not only Flagstaff, but his industry. He has been approached by large foreign companies, with lucrative offers to buy his business, but Wally does not want to sell if it means that profits will be going out of the country.

As a result of Wally's experience, he and a California colleague are organizing a coalition of 100 percent American-owned and operated businesses do address the issue of foreign-owned companies and to become a voice in shaping national policy on this matter. My friend, former Arizona Gov. Jack Williams, brought Wally Smith's Block-Lite decision to the attention of newsman, Paul Harvey. Mr. Harvey highlighted Wally Smith, his business, and his concerns in his April 24, 1991, broadcast. The transcript from that broadcast follows, and I commend it to the attention of my colleagues:

AMERICA INVADED

Wally Smith is as American as his name.

His father was an all-American football player; his picture was on the Wheaties box. His younger brother was World Champion rodeo cowboy.

Wally, a two-year military veteran, now a businessman in Flagstaff, Arizona, is active in that city's Business Alliance.

He has always preached and practiced "doing the right thing" in the typical American tradition.

Mr. Smith owns a manufacturing company in Flagstaff which makes 7,000 blocks a day for construction projects in the area. It's not a "big" business. It's been in the family for 30 years. With his wife alongside they work 12-hour days and keep 15 to 20 people employed most of the year.

Three years ago an investor from Great Britain offered to buy the company; the Smiths refused to sell.

"It would have been financially smart," he says, "but it wouldn't have been right to let an impersonal foreign corporation take the profits 'out of town'."

The Smiths believe that the economic invasion of our country is as insidious and potentially devastating as the military kind.

And the foreign companies are not required to play by our rules.

Example: If Mr. Smith meets with competitors to discuss the future of the block industry, they must be extremely careful; they can go to jail if they mention pricing policies.

Foreign-owned companies can own a variety of businesses in the United States—in-

cluding companies like BLOCK-LITE—can hold business meetings offshore where they discuss with impunity such critical subjects as pricing and takeover strategies and anything else. They are not subject to our antitrust laws.

And thus aggressive foreign companies have taken over American-owned family businesses under real or implied threat to drive them to bankruptcy if they refuse to sell.

The Smiths intend to fight them off. They are investing $250,000 in new equipment which will double their capacity. They've seen to it that the equipment they have ordered is made in Vancouver, Washington by American workers in an American-owned factory.

Some of the Smiths' competitors are less discriminating. They may buy foreign machinery for the same purpose at a lesser price.

So the Smiths of Flagstaff are being penalized for their patriotism.

On a related subject, Lee Iacocca wrote what he thought was a personal letter to President Bush pleading for a 31% ceiling on foreign car imports. He said if the Japanese share goes to 40% Chrysler will have to go out of business.

His response came from the Treasury Department. It said, "No."

TRIBUTE TO WALPOLE TOWN FOREST

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. FRANK. Mr. Speaker, on Sunday, May 5 I attended an event which was both historic and enjoyable. It was the 75th anniversary of the Walpole Town Forest, one of the first town forests ever established in Massachusetts, and one at which then Massachusetts Lt. Gov. Calvin Coolidge presided.

This was a chance for the current residents of the town to pay tribute to the foresight of those who 75 years ago understood that some action would be necessary to preserve vital open space in an area that was to grow. It was also a time for the residents of the town to congratulate themselves on the diligence with which they have tended to the forest over these years. Mr. Speaker this was an extremely valuable example of how citizens working together, both through their government and in volunteer capacities, can act unselfishly to improve the quality of everyone's life. My congratulations go to the Town Forest Committee—Joe Moraski, Jeff Mattson, and Tom Connolly. Credit also goes to their advisers—Chris Galasso—who won the Volunteer Award at the commemoration for his excellent work, Nancy Jarvis, Bob Moody, Jeff Rice, C. Byrant, and Stephen Sullivan.

At the event, presided over by State Representative Francis Woodward, essays were read by students who had won essay contests. My congratulations, Mr. Speaker, go to the winners of the essay contest—Hilary Quann of the elementary school; and Emily Copeland of the middle school. Mr. Speaker, I ask that these winning essays be printed here as an example of the spirit which infused the town of Walpole on this happy occasion.

WALPOLE TOWN FOREST ESSAY CONTEST

(By Hilary Quann, first place, grade 3, Boyden Elementary School)

The town forest is very important to Walpole. At night, if the town forest is behind your house or close to you (which mine is), you can hear peepers peeping in the dark and owls hooting. If you go for an early morning walk in the forest, around 7:30 or 8:00, everything still has dew on it. The town forest has some historical sites in it, just as Boston has the Boston Tea Party site.

The Walpole Town Forest is a place for life. In the winter the branches hang low in the snow. In the spring the forest is bursting with color. In the summer the forest always has a refreshing breeze streaming through it. In the fall the forest is dancing with colors. The town forest is full of color, life and historical sites.

WALPOLE TOWN FOREST ESSAY CONTEST

(By Emily Copeland, First Place, Grade 8, Bird Middle School)

Seldom does a smile leave your lips when you are in the forest. Towering trees give you a sense of protection. Spread like arms, their sheltering boughs filter the outside world. A feeling of time unchanged seeps into your awareness. In the woods, the winds blow, and the trees sway. There is a stillness that the outside world cannot penetrate. Peace spreads from the observance of living things. The outside world is forgotten. It is the atmosphere a mind needs, to relax and become supple, like a young tree.

In our travel through life, experiences that form us, should be learned from, and make us stronger so we can capture happiness. If you feel unhappy, tour the forest, or find an instant to enjoy nature. It will lift your spirits and nature will enlighten and awe you.

Forests are a way to appreciate nature. We are terminal, but by creating pockets of life like the Town Forest, we will live forever. This lesson is one that everyone should be taught.

The Walpole Town Forest should be respected as a useful, ecological system, and be protected from those who cannot appreciate it. It is one of the fast diminishing examples of unhindered, natural life.

SPECIAL TRIBUTE TO MARGE HANNAN AND LUELLA KEMBLE OF THE PATERSON AREA ZONTA CLUB

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. ROE. Mr. Speaker, it is with greatest pride that I rise today to pay special tribute to two outstanding ladies from my Eighth Congressional District in New Jersey. Both these women have spent their professional lives working to educate children and adults, providing them with the skills to allow them to carry forward with richer more productive lives. For their work in their professions and for their dedicated community service with the Paterson Area Zonta Club, they are being honored in a special testimonial dinner on Tuesday, May 21 at the Paris Inn in Wayne, NJ.

The Zonta Club is a dedicated professional and business women's club whose chapters are active in their communities helping a wide range of needy groups and individuals making their lives a little easier, and a little better. The Paterson area chapter has chose to recognize two very deserving members in Marge Hannan and Luella Kemble.

Mrs. Hannan was educated at William Paterson College receiving a degree in elementary education with a minor in library science in 1969. She went on to attain a masters degree in radio and television in 1972. This was truly a remarkable achievement as Marge did not begin college until after the birth of her fifth child and then attended night school to receive her degree.

She currently holds certification as an elementary school teacher, an educational media specialist and as a professional librarian. Marge put her education to good use working in the Einstein Public Library, and serving as the founding librarian of both the Wanaque Public Library and the Lakeside Middle School in Pompton Lakes. She was also librarian at the Pompton Lakes High School for 19 years. In 1976, Marge received special recognition from the New Jersey Education Association for her development of a media kit on the history of the Pompton Mutiny.

Mr. Speaker, Mrs. Hannan has also made time in her active career and busy family life for community service working as a volunteer at Chilton Memorial Hospital logging over 2,000 hours of service. As a member and advisor of the Zonta Club, Marge has worked to maintain not only the traditional activities of the group such as parties for the local day care centers, assisting in various school functions and aiding with adult school registration, she has worked to extend their involvement by sending volunteers into several day care centers to assist teachers in the care of and planning activities for the children. Several other projects reached out to the sick and elderly making their days a little brighter. A particularly ambitious project for the club has been the adoption of a child through the Save A Child Foundation.

Mr. Speaker the second honoree has also devoted many years of distinguished service to her community. Mrs. Luella Crowley Kemble is a life-long resident of New Jersey, who after finishing high school in Butler, graduated from Trenton State College with a B.S. in secondary education and a minor in elementary education and was the only nonphysical education major to receive a varsity letter for sports in the college.

Luella went on to receive an M.S. in administration, supervision and curriculum development from Columbia University in 1947 and was granted a professional diploma in student and personnel services at Columbia in 1957. She began her teaching career at Hewitt School where her mother, Elsie Doty Crowley, had taught 25 years before. In 1957 she was called to Anthony Wayne Junior High School and from there transferred to Wayne Valley High School where she remained in the guidance department until her retirement this year. In 1987 Mrs. Kemble was chosen "Passaic County Counselor of the Year" and nominated for "State Counselor of the Year."

She has devoted 15 years as advisor to the Zonta Club in Wayne Valley High School. This highly esteemed club for high school students

has, under her direction, expanded from 10 young women in 1976 to 62 young women and men in 1991. Their club program comprises care of the needy and senior citizens; Thanksgiving baskets; and visits to orphans' homes. The club also actively supported the student-member who was selected to participate in the People to People Student Ambassador Program. That student visited five countries overseas and has been invited to speak to school audiences, the Zonta International Adult Clubs, and was the featured speaker at a Zonta District Regional Conference.

Also during Mrs. Kemble's tenure as club advisor, money was raised and donated to the Amelia Earhart Scholarship Fund; students participated in blood drives; acted as ushers and aides at evening performances held at the high school; and greeted parents during Education Week.

Mr. Speaker, it is citizens such as this and groups like the Zonta Club which are truly what public participation and community involvement are all about. I am sure the family of Marge Hannan, her husband Joe and five children: Joseph, Kathleen Craig, Frank, Matthew and Eileen Melia and four grandchildren: Khyle, Joe, Lindsey and Katie, and the family of Luella Kemble, her husband Sgt. James Kemble of the West Milford Police Force and her two sons, James and Raymond and one grandchild Raymond Jr., all join in their pride and admiration for these two unique women.

Mr. Speaker, we often forget or fail to notice the many selfless and kind works that people like Marge and Luella do everyday with no other thought than to help others and enrich the lives of those around them. I am very pleased to have this opportunity to point these two individuals out and applaud them for their efforts.

NOVA UNIVERSITY HONORS SHEPARD BROAD

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, this coming Sunday, south Florida's Nova University will be holding its 15th annual commencement ceremony of the Shepard Broad Law Center for the 1991 graduating class. This year will be a special one because, in addition to having as their commencement speaker the chief justice of the Florida Supreme Court, The Honorable Leander J. Shaw, Jr., they will also be bestowing the honorary degree of doctor of laws on Mr. Shepard Broad, the school's namesake.

Shepard Broad has been a long time supporter of Nova University who has unselfishly donated both financially and with his personal time. Shepard Broad is one of South Florida's pioneers in the fields of law, business, and finance. Mr. Broad moved to Florida in 1940 and soon after established the prestigious law firm of Broad & Cassel.

Shepard Broad is an active community leader and philanthropist. He is founder of the city of Bay Harbor Islands, FL, which is in my congressional district, and he served as its mayor from 1947 to 1973. He also founded the American Savings & Loan Association of Florida. Additionally, he serves as a member of the governing boards of many community organizations.

Mr. Speaker, I am pleased to recognize Mr. Shepard Broad for his many fine contributions to the quality of life in south Florida.

ENERGY EFFICIENCY

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. SHARP. Mr. Speaker, today the Office of Technology Assessment released a study of energy efficiency in the Federal Government that documents the enormous consumption of energy by the Federal agencies, and the great opportunity we have to set an example the rest of the country can follow and to save the taxpayers literally billions of dollars on the Government's energy bills.

The OTA found that energy inefficiency by the Government is not inevitable. Since the mid-1970's, the Government has worked to improve its energy efficiency, although the level has varied, and the effort has saved nearly $7 billion worth of energy—far more than the $2.5 billion invested in energy conservation measures.

But the study also found that we are not doing enough, and still more savings are possible. In fact, the OTA says the Government could cut $3.5 billion from the $8.7 billion it spends on direct energy purchases. But barriers are blocking the path to energy savings. The failure of Federal agencies to fully employ energy efficient measures results from the fact that saving energy is a low priority.

Indeed, it took the start of the Persian Gulf war for President Bush to renew an Executive order first signed by President Carter, but allowed to lapse by President Reagan, requiring Federal agencies to reduce their energy consumption.

The capital needed to make even short-term investments is also scarce, again reflecting energy efficiency's low priority.

I have proposed a remedy for this situation in H.R. 776, the National Energy Efficiency Act, which sets up a revolving fund from which Federal agencies can get the capital to make energy conservation improvements. Congress would provide a small amount of seed money, and the fund would be replenished by the Federal agencies from savings on their energy bills.

Mr. Speaker, at a time when we are trying to find ways to reduce our budget deficit, it does not make sense to ignore a very painless, inexpensive way to save as much as $3.5 billion. I think the taxpayers deserve that kind of treatment. It seems incredibly hypocritical, Mr. Speaker, for the Federal Government to ask the rest of the country to become more energy efficient and not take the lead role. No other entity in this country gobbles more energy than the Federal Government.

By taking the steps recommended by the OTA, we will not only set an example for the private sector to follow, but we will greatly reduce the amount of energy consumed in the United States every day, and we all know the effect that will have on our national security as it relates to our dependence on foreign oil. Mr. Speaker, the situation in this country demands that the Federal Government set an example for energy efficiency, and I hope we will not delay in making that a reality.

EASTERN'S RETIREES DESERVE BETTER

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. GINGRICH. Mr. Speaker, I would like to share with my colleagues an Atlanta Constitution editorial from May 13, 1991, concerning the possible termination of health and life insurance benefits to the 14,000 retirees of Eastern Air Lines.

Many of Eastern's retirees have preexisting conditions that prevent them from getting new insurance coverage. Just think how you would feel, if you and your family faced the termination of your benefits.

With a court hearing on the issue scheduled for Monday, I urge my colleagues to let the court know how you feel about this proposal.

The Eastern retirees do, in fact, deserve better:

EASTERN'S RETIREES DESERVE BETTER

Whenever it appears the sad saga of Eastern Airlines is finally drawing to a close, some twist develops to make the story even sadder and longer. Now come the retirees.

These latest victims are among the most sympathetic because they played no part at all in Eastern's bitter demise. This group is made up of about 14,000 people, roughly 2,000 of them living in this area.

Many of these longtime employees, both union and non-union, were encouraged to retire early. In exchange, they were promised medical and life insurance coverage.

The early retirees did as they were asked to do. Today most are umemployed and many have health problems. Insurers are not interested in picking up coverage for retirees, or will do so only at prohibitive costs.

Now Eastern's management, which is liquidating the company under Chapter 11 of the federal bankruptcy code, wants to stop paying for the retirees' existing coverage. The company argues the former employees must get in line with all the other unsecured creditors to pick over the airline's financial scraps. But in truth, very little is left to pick.

The retirees want Bankruptcy Court Judge Burton R. Lifland to scrape up $200 million of Eastern's assets to create a trust fund to continue paying insurance premiums. But if that were to happen, many other creditors would get nothing.

Unfortunately, the U.S. bankruptcy code is not clear about where retirees stand. Under section 1114 of Chapter 11, retirees have special priority status among creditors. That gives them a better shot at getting benefits.

But under Chapter 7, which is supposed to be used by liquidating companies, the trustee unilaterally can cut off retirees' benefits. Here's the trick: Eastern is liquidating, but is doing so without coverting to Chapter 7. So should section 1114 prevail here or not?

The retirees are begging Judge Lifland to give them priority status. Their pleas are heartfelt because they find themselves in a horrible position. Aged 55 to 64, they are too young to qualify for Medicare, but no one will insure them except at a high cost. Annual premiums for married couples can reach $14,000—with a $1,500 deductible.

How infuriating it must be for the retirees, many of whom worked 35 years or more, to now find they must beg for insurance. It doesn't help to know that trustee Martin Shugrue, just weeks before Eastern stopped flying, persuaded the court to give him a retroactive raise of $15,000 a month.

But Judge Lifland has to make hard choices. Giving just one group of creditors nearly everything while some others get nothing doesn't seem fair. Still, the judge ought to find a way to give the retirees a hefty chunk of the assets.

While action probably can't come in time to help Eastern retirees, Congress should take up this issue. The law must clear up the issue of what happens to retiree benefits after a company files for bankruptcy. (And the nation needs an overall health insurance system, but that's for still another day.)

Perhaps other retirees in the future will benefit from what is learned in the Eastern case. But for these 14,000 people, there are no silver linings. Eastern's destruction is a tragedy that won't end for a very long time.

PLIGHT OF THE ARMENIAN VILLAGERS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. DORNAN of California. Mr. Speaker, I would like to take this opportunity to call attention to the current plight of Armenian villagers living along the border of Armenia and Azerbajian. Soviet soldiers and Azerbajian riot police have been invading this region and, over the past 2 weeks alone, nearly 50 persons have been killed, many have been wounded, and thousands of Armenian villagers have been forced to flee from their homes. The Soviet and Communist-controlled Azerbajian forces have used tanks, helicopters, and armored personnel in an outrageous move to disarm the Armenian villagers and to render them helpless.

Armenia is making a bold, but clearly difficult, attempt to free itself from Communist rule. It has elected a non-Communist government and has stated its intention to secede from the Soviet Union. It is very important for us to get a solid understanding of the background of the current struggle for independence by these people. The Armenian National Committee of America has provided me with some fact sheets which will help us understand the plight of the people in several subregions of this troubled area of southern Armenia. I urge my colleagues to read this information, and to give these current human rights violations the attention they deserve.

The fact sheets follow:

SUBDISTRICTS OF GETASHEN AND MARTUNASHEN

FACT SHEET: BACKGROUND INFORMATION

On April 30, 1991, after seven days of siege and bombardment, heavily armed Soviet Internal Security Forces, acting under direct orders from Soviet Interior Minister Pugo and Interior Ministry Security Forces Commander Shatalin, invaded the Armenian subdistricts of Getashen and Martunashen.

Following this invasion, the Armenian population there fell victim to violent searches, beating and indiscriminate killings, resulting in numerous dead and scores of injured. According to Reuters more than 22 Armenians were killed; according to a CNN report, more than 60 were killed. Soviet forces, along with Azerbaijani militia, have set up a reign of terror in the Armenian villages.

Following are some basic facts and background information on the Armenian subdistricts of Getashen and Martunashen:

History: Historically Getashen and Martunashen were part of Karabagh in Armenia. In 1923, Stalin unjustly severed the region of Karabagh from Armenia; he carved out the mountainous portion of Karabagh and submitted it to Azerbaijani administration, while annexing the lowlands of Karabagh directly to Azerbaijan. Presently Karabagh is an Autonomous Region under Azerbaijani supervision, whereas Getashen, Martunashen and other parts of the Karabagh lowlands are part of Azerbaijan.

Area: Getashen and Martunashen each consist of numerous villages. They are organized as separate sub-districts under the Azerbaijani administrative subdivision system.

Population: The population in the villages of the Getashen and Martunashen sub-districts are overwhelmingly Armenian.

Location: Located to the north of Nagorno Karabagh Autonomous Region, Getashen and Martunashen represent strategic importance for the defense of Nagorno Karabagh against invasions from Azerbaijan.

SUBDISTRICTS OF GETASHEN AND MARTUNASHEN

FACT SHEET: SUMMARY OF EVENTS SINCE 1988

On April 30, 1991, after seven days of siege and bombardment, heavily armed Soviet Internal Security Forces, acting under direct orders from Soviet Interior Minister Pugo and Interior Ministry Security Forces Commander Shatalin, invaded the Armenian subdistricts of Getashen and Martunashen.

Following this invasion, the Armenian population there fell victim to violent searches, beating and indiscriminate killings, resulting in numerous dead and scores of injured. According to Reuters more than 22 Armenians were killed; according to a CNN report, more than 60 were killed. Soviet forces, along with Azerbaijani militia, have set up a reign of terror in the Armenian villages.

Following is a summary of events since 1988.

Azerbaijani aggression: Since July 1988, the Armenian sub-districts of Getashen and Martunashen have been subjected to persistent attacks by Azerbaijani armed bands and official militia. The Azerbaijani government has encouraged and abetted Azerbaijani aggression against Armenian villages.

Azerbaijani blockade: Since September 1988, the Azerbaijani government has imposed a total blockade on Getashen and Martunashen which is still in effect.

Azerbaijani objective: To depopulate these sub-districts of their historic Armenian inhabitants. (In November of 1990, Azerbaijani was able to uproot and deport all of the Armenian population in the villages of Kamo and Azat located in the Getashen area.)

Armenian self-defense: In spite of repeated pleas by Getashen and Martunashen Armenians, Soviet security forces failed to provide them protection against Azerbaijani aggression. As a result, the Armenian villagers armed themselves for self-defense.

FACT SHEET: SOVIET AGGRESSION AGAINST ARMENIAN REGIONS

April 23, 1991: Soviet forces, joined by Azerbaijani government militia, launched a widespread assault against the Armenian villages in Azerbaijan and Armenia. The Soviet forces acted under direct orders from Soviet Interior Minister Pugo and Interior Ministry Security Forces Commander Shatalin.

April 30, 1991: The Soviets first targeted Getashen and Martunashen. After heavy bombing, they invaded the two sub-districts, conducted violent searches, beat and indiscriminately shot at the Armenian population, resulting in more than 60 dead (CNN report) and 300 seriously injured, taking at least 70 hostages. On May 3, Soviet units forcibly deported the Armenian villagers from their ancestral homes.

On May 5, 1991: The Soviet forces invaded Noyemberian in Armenia. They raided Voskepar, Koris and other townships. Armenian Interior Ministry reported that to date the Soviets have killed 31 Armenians, injured 21, and taken 91 hostages.

On May 7, 1991: The joint forces encircled the Shahumyan district in Azerbaijan.

Soviet strategy: The Soviet-Azerbaijani aggression in Armenia and against Armenian villages in Azerbaijan continues. The pattern of Soviet military operation is as follows: (1) Encircle the target and lay siege; (2) Heavy bombing; (3) Invasion; (4) Open fire to kill, injure and terrorize; (5) Once the target is under total Soviet control, forcibly deport the whole population.

BACKGROUND INFORMATION

Azerbaijani aggression/blockade: Since July 1988, Azerbaijani armed bands and official militia have persistently attacked Armenian villages. Azerbaijan officially encourages and abets this aggression. Since September 1988, the Azerbaijani government has imposed a blockade on Armenian villages and Karabagh.

Azerbaijani objectives: To depopulate the historic Armenian areas in Azerbaijan.

Armenian self-defense: Despite repeated pleas by the villages, Soviet security forces failed to provide them protection against Azerbaijani aggression. As a result, the Armenian villagers armed themselves for self-defense.

History: Getashen, Martunashen and Shahumyan were part of Karabagh in Armenia. In 1923, Stalin unjustly severed the region of Karabagh from Armenia; he carved out Karabagh's mountainous area and put it to Azerbaijani administration, while annexing its lowlands directly to Azerbaijan.

Area/population: Getashen and Martunashen are sub-districts and Shahumyan is a district under the Azerbaijani administrative system. Each consist of several villages. The population of these villages are predominantly Armenian.

Location: Located to the north of Nagorno Karabagh, Getashen, Martunashen and Shahumyan represent strategic importance for the defense of Karabagh.

WILLIAM WEBSTER RETIRES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. EDWARDS of California. Mr. Speaker, after more than 13 years of distinguished public service, William Webster has stepped aside. The Nation will miss sorely his enormous skills, but his legacy as both FBI and CIA Directors will live on as an inspiration to all.

I had the privilege of working closely with Bill Webster during his 9 years as FBI Director. Under his able supervision, that agency reached its highest peak of competence and accomplishment. At all times Director Webster cooperated with the oversight subcommittee I chair. He was unfailingly honest, forthright, and sensitive to the requirements of the Constitution.

Mr. Speaker, I ask that two editorials from the May 9, 1991, editions of the New York Times and the Washington Post be reprinted in the CONGRESSIONAL RECORD. Both editorials join me and all Americans in praise, admiration, and thanks to William Webster.

[From the Washington Post, May 9, 1991]

JUDGE WEBSTER STEPS DOWN

As in his nine previous years at the head of the FBI, William Webster, retiring after four years as head of the CIA, took over a troubled institution, brought in a full measure of probity and steadiness and largely restored public and congressional confidence in a sensitive agency where the demands of government and individual liberty easily collide. Considering the history and the pitfalls, it is no small achievement to have run these two demanding agencies and to have emerged with reputation not simply intact but strengthened.

Judge Webster served at CIA in daunting conditions. He was the second choice of the appointing president, Ronald Reagan, and he soon would be working for a president, George Bush, who as himself a former director of central intelligence and who had at his elbow in the White House Robert Gates, a CIA veteran who had been Mr. Reagan's first choice for the job. But after the freewheeling William Casey, whom Judge Webster succeeded, the evident White House priority was to remove the CIA from public controversy and to focus it on its appropriate tasks. Mr. Bush, inheriting Judge Webster at CIA, kept him on—and by all accounts kept him clear of policy entanglements. There was plenty of the usual complaint about the quality of intelligence and blaming of the CIA for administration failures, the inevitable self-justifying leaks and counterleaks. An outsider, cannot know who was right in these half-hidden disputes that mark every administration. But the consensus, even among those who would have preferred a more aggressive director or who faulted him on this ground and that, was that he did an exceptionally straightforward, conscientious, honest job.

If these are not scandalous or turbulent times at the CIA, however, they have their own particular demands. The world is changing, and there is a heavy requirement on the CIA to provide timely, relevant and quality advice to American policy makers in post-Cold War circumstances where new forces, regions and players demand tough scrutiny. In addition, some legislators are now intent on getting Congress deeper into matters of the CIA's budget and policies in the future. The next director's job is going to be an especially difficult one. And the challenges will be very different from those that Judge Webster faced when he came to office.

[From the New York Times, May 9, 1991]

JUDGE WEBSTER'S HIGH STANDARD

William Webster resigned yesterday, an unofficial casualty of the Persian Gulf war.

After the derring-do and double-talk of William Casey, Mr. Webster's discretion and candor as Director of Central Intelligence were a refreshing change. He reined in lawless covert operations and rebuilt trust on Capitol Hill. President Bush could use a successor with Mr. Webster's probity and judiciousness.

He pleased Congress, and annoyed the White House, by his willingness to give timely notice on covert operations and his refusal to shape his intelligence reports to the Administration's political needs. At the same time he was roundly if not always justly criticized for notable intelligence failures, including belated assessments of the Soviet economic collapse and Saddam Hussein's designs on Kuwait. Still, the C.I.A. did far better than others in anticipating developments.

Despite pressure to name his own man, Mr. Bush kept Mr. Webster on. The Director survived intermittent White House sniping until the gulf war eroded his support at both ends of Pennsylvania Avenue. He irritated the White House when, faithfully reflecting the intelligence community's assessment, he argued that economic sanctions were working. But just before Congress voted on the war he reversed himself, thus looking like a White House pawn and damaging his credibility in Congress.

Mr. Bush's hint that he might appoint Robert Gates, his deputy national security adviser, to head the C.I.A. alarms anyone familiar with the long battle for an accountable intelligence agency and unvarnished intelligence assessments. Ronald Reagan proposed Mr. Gates for the post four years ago but was forced to withdraw the nomination by a Senate troubled by Mr. Gates's evasive testimony about the Iran-contra scandal.

It was then that Mr. Reagan turned to Mr. Webster, who had already built a commendable record as F.B.I. Director, curbing agency abuses while effectively combating domestic racketeering and terrorism.

In choosing a replacement, President Bush would do well to keep Mr. Webster's qualifications in mind. Until the gulf war, he earned widespread respect by combining an outsider's perspective with an insider's know-how.

AUDIOTEXT INDUSTRY OBLIGATIONS AND CONSUMER RIGHTS ACT INTERSTATE 900 SERVICES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. MARKEY. Mr. Speaker, the legislation I am introducing today with ranking minority member Mr. RINALDO, establishes much-needed restrictions on the practice of unscrupulous providers of interstate 900 services. It reflects the bipartisan cooperation and teamwork of many of my colleagues on the Subcommittee on Telecommunications and Finance, including Mr. WYDEN, Mr. COOPER, and Mr. RITTER, as well as Congressman BART GORDON, who played an important role in bringing this issue to the attention of the subcommittee.

The 900 services have become a familiar element in the daily lives of many Americans in the relatively short period of time since their inception. They are used by some of America's most respected business institutions to provide a wide range of useful and innovative applications—everything from sampling public opinion and raising money for charities to providing news, weather, financial, or sports information.

Because 900 services are so easily accessed through the use of the telephone, the industry has the potential to become an important tool in bringing the benefits of the information age to almost every home in America—empowering individuals with information or entertaining them with games.

However, as often is the case in any expanding new industry, many unique problems have emerged. The consistently increasing number of consumer complaints regarding 900 services indicates that the industry does not merely have an image problem but a real problem.

Consumers continue to be abused, deceived, and defrauded by some in the industry. Right now, many consumers are enticed to call 900 numbers through advertising that is misleading or outright deceitful. This is especially true for young children, the most easily deceived consumers, who have run up hundreds of charges to their parents' phone bills after being duped to call Santa Claus or Popeye. Parents are given the impossible task of trying to teach children to use the phone to call for help in an emergency, but never to use it to call the Easter Bunny.

Such practices, although conducted by a minority, have the net effect of undermining consumer confidence in legitimate programs and their sponsors and, ultimately, discouraging the use and expansion of 900 services. Simply put, the existing self-regulation is not adequately protecting consumers.

The very fact that unscrupulous or fraudulent 900 providers are able to cheat consumers by utilizing the transmission and billing and collection services of our Nation's local and long distance telephone common carriers indicates that the FCC needs to have the proper regulatory tools at its disposal to combat the high-tech hucksters of today. All too often, the Federal Trade Commission, the U.S. Postal Service, and local law enforcement can only act after the fact—after a consumer has already been defrauded and after the unscrupulous provider has already skipped town.

Clear, constructive national guidelines, established uniformly, will go a long way in restoring consumer confidence in the industry and in burnishing the tarnished image of honest legitimate providers of 900 services who are adversely affected by pay-per-call's renegade providers.

As a bottom line, consumers must be better off after the introduction of a new technology or service than they were before its introduction.

This legislation, which was unanimously passed by the Subcommittee on Tele-

communications and Finance, addresses these fundamental concerns and compels the FCC to use its common carrier jurisdiction to establish preventive measures to protect consumers. We do not want to have to chase crooks after the crime, but preempt them from committing their crimes in the first place. Our proposal will make it a safer neighborhood for consumers and legitimate 900 providers alike.

The standards it contains for providers of audiotext services include the following requirements:

Information providers must utilize a preamble message to inform the caller of the service being provided, the total cost or the cost per minute, the option to hang up without incurring any charges, and that parental consent is required for all calls made by children.

FCC must establish an appropriate and clear signal as a standard means of alerting callers to the passage of time during live interactive programming.

All telephone subscribers must be provided the capability to block their telephones' access to 900 numbers free of charge.

FCC must establish procedures that allow consumers to avoid audiotext charges when the service offering is in violation of the legislation and for other reasons.

FCC must develop procedures to refund to consumers charges for any 900 service subsequently found to have violated the law.

Telephone companies are prohibited from disconnecting local telephone service for lack of payment of 900 service charges.

Because the Federal Trade Commission is the most appropriate Federal agency to oversee issues pertaining to 900 advertising, this legislation requires the FCC to consult with the Federal Trade Commission to help ensure that adequate restrictions on broadcast, cable, and telephone 900 advertising are implemented.

In summary, this legislation provides greatly needed regulatory structure to a fledgling industry incapable of self-regulation. It is a balanced, bipartisan bill that will benefit consumers who have been ripped off by unscrupulous providers, without harming honest, legitimate, worthwhile audiotext service providers. I encourage my colleagues to support this bill.

H.R. —

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Audiotext Industry Obligations and Consumer Rights Act".

SEC. 2. FINDINGS.

The Congress finds that:

(1) The audiotext industry, which is comprised of information providers, service bureaus, and common carriers, delivers audio and data services over the nation's telecommunications network on a pay per call basis.

(2) The interstate nature of the audiotext industry means that its activities are beyond the reach of the individual States and therefore require Federal regulatory treatment to protect the public interest.

(3) The lack of nationally uniform regulatory guidelines has led to confusion for consumers, industry, and regulatory agencies as to the rights of callers, the obligations of providers and carriers, and the oversight responsibilities of regulatory authorities, and has resulted in some interstate audiotext businesses engaging in practices which abuse the rights of the caller.

(4) Many applications employing audiotext technology such as lotteries, games, and sweepstakes, sometimes erroneously have informed consumers that they must utilize audiotext services to claim or win a prize, or have not adequately informed consumers of the right to participate in the same applications through other forms of entry.

(5) Some interstate audiotext services have offered programs aimed at children, inducing them to call such services without their parents' permission.

(6) The improper or illegal activities of some audiotext providers not only lead to losses by consumers, they also threaten the reputation and the future development of the entire audiotext industry, causing damage to the many reputable businesses that are serving the public in an honest fashion and impeding the industry's growth by undermining consumer confidence.

SEC. 3. AMENDMENT TO COMMUNICATIONS ACT OF 1934.

Title II of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

"SEC. 227. REGULATION OF AUDIOTEXT SERVICES.

"(a) PURPOSE.—It is the purpose of this section—

"(1) to put into effect a system of national regulation and review that will oversee the audiotext business;

"(2) to give the Commission authority to prescribe regulations and enforcement procedures and conduct oversight to afford reasonable protection to consumers and to assure that violations of this Act do not occur.

"(b) AUTHORITY FOR REGULATIONS.—

"(1) IN GENERAL.—The Commission shall, within 270 days after the date of enactment of this section, complete a rulemaking proceeding to establish a system for oversight and regulation of audiotext services in order to provide for the protection of consumers in accordance with this Act and other applicable Federal statutes and regulations. The Commission's final rules shall—

"(A) include measures that provide a consumer of audiotext services with adequate and clear descriptions of the rights of the caller;

"(B) define the obligations of common carriers with respect to the provision of the audiotext services;

"(C) include requirements on such carriers to protect against abusive practices by providers of audiotext services;

"(D) prohibit customers from being disconnected from local exchange services for refusal to pay for audiotext services; and

"(E) identify procedures by which common carriers and providers of audiotext services may take affirmative steps to protect against nonpayment of legitimate charges.

"(2) MINIMUM STANDARDS FOR PROVIDERS OF AUDIOTEXT SERVICES.—The regulations required by paragraph (1) shall prohibit any common carrier from offering audiotext services of any provider of such services who fails—

"(A) to include in each audiotext message an introductory disclosure message that (i) describes the service being provided, (ii) specifies clearly and at a reasonably understandable volume the total cost or the cost per minute and any other fees for that service, and for any other audiotext service to which the caller may be transferred, (iii) informs the caller of the option to hang up at the end of the introductory message without incurring any charge, and (iv) informs the caller that parental consent is required for calls made by children;

"(B) to disable any bypass mechanism which allows frequent callers to avoid listening to the disclosure message described in subparagraph (A) after the institution of any price increase and for a period of time sufficient to give such frequent callers adequate and sufficient notice of the price change;

"(C) to stop the assessment of time-based charges immediately upon disconnection by the caller;

"(D) to include an appropriate and clear signal, at intervals determined by the Commission, where technically feasible, during live interactive group programs, to alert callers to the passage of time, and explain this signal in the disclosure required by subparagraph (A) for such programs; and

"(E) to comply with such additional standards as the Commission may prescribe to prevent abusive practices.

"(3) COMMON CARRIER OBLIGATIONS.—The regulations required by paragraph (1) shall require that any common carriers offering audiotext services shall—

"(A) require, pursuant to contract or tariff, that a provider of audiotext services comply with the regulations issued pursuant to paragraph (2), and terminate, in accordance with procedures specified in such regulations, the offering of an audiotext service of a provider if such service is not provided in compliance with such regulations;

"(B) ensure that a caller may avoid audiotext charges—

"(i) with respect to audiotext services provided in violation of the regulations issued pursuant to paragraph (2); or

"(ii) under such other circumstances as the Commission determines necessary in order to protect callers from abusive practices;

"(C) establish a local or a toll-free telephone number to answer questions and provide information on callers' rights and obligations with regard to their use of audiotext services and to provide to callers the name and mailing address of any provider of audiotext services offered by the common carrier;

"(D) within 60 days after the issuance of final regulations pursuant to paragraph (1), provide, either directly or through contract with any local exchange carrier that provides billing or collection services to the common carrier, to all of such common carrier's telephone subscribers, to all new subscribers, and to all subscribers requesting service at a new location, a disclosure statement that—

"(i) sets forth in clear, standard English, or other languages as specified by regulation, all rights and obligations held by the subscriber and the carrier with respect to the use and payment for audiotext services;

"(ii) describes any nonpayment option prescribed by the Commission under subparagraph (B) and the applicable block option; and

"(iii) provides an explanation of live interactive programming;

"(E) ensures that charges for audiotext services are stated separately on the bill from the sections relating to local and long distance telephone charges and that such statement includes the toll-free telephone number specified in subparagraph (C);

"(F) notify in writing the State regulatory commission of any State within which the carrier intends to offer audiotext services of such intention, which notification shall include a description of the service to be provided to telephone users within that State as

well as a list of the carrier's policies and procedures;

"(G) subsequently make available to the State regulatory commission, upon request, a list of audiotext telephone numbers accessible by callers within that State through such carriers, which list shall include the name, business address, and business telephone number of the audiotext provider; and

"(H) obtain from any provider of audiotext services that solicits charitable contributions proof of the tax exempt status of any person or organization for which contributions are solicited.

"(4) BLOCKING REQUIREMENTS.—The regulations required by paragraph (1) shall require that any local exchange carrier carrying audiotext services shall offer callers the option of blocking access to all audiotext services from their telephone. Such regulation may permit the costs of such blocking to be recovered by contact or tariff, but such costs may not be recovered from local or long distance ratepayers. Such option shall be offered at no charge to the caller for a reasonable and appropriate period (established by the Commission in such regulations) after (A) the effective date of such regulation, (B) an initial connection, or (C) subscription for any new telephone line.

"(5) ADVERTISING RESTRICTIONS PERMITTED.—The Commission shall, in the proceeding required by paragraph (1), consult with the Federal Trade Commission concerning the adequacy of existing regulations relating to advertising of audiotext services via broadcasting and cable communications. If the Commission determines that such existing regulations are inadequate, the regulations required by paragraph (1) may—

"(A) require that advertisements for audiotext services carried by any broadcast by any radio or television station or cable television system include a verbal message, clearly audible, advising callers that their telephone bill will be charged for calls to the advertised telephone number, which message shall also state that children under the age of 18 must obtain parental consent before placing a call to the advertised number and also state the cost of calling the advertised number;

"(B) require that television advertisements must include, in clearly visible letters (and numerals in the case of charges) set against a contrasting background, notification that charges will be billed to the caller's telephone number, notification that children under the age of 18 must obtain parental consent before placing a call to the advertised number, and a statement of the cost of calling the advertised number;

"(C) require that, in the case of television, the cost of the call shall be displayed adjacent to the number to be called whenever that number is shown;

"(D) prohibit broadcasters, call operators, or other information providers from carrying audiotext advertisements that emit electronic tones which can automatically dial an audiotext telephone number; and

"(E) require that any telephone message soliciting calls to an audiotext service specify clearly, and at the audible volume of the solicitation, the total cost for the cost per minute and other fees of the audiotext services.

"(6) EXEMPTIONS FROM INTRODUCTORY MESSAGE REQUIREMENTS.—The regulations prescribed by the Commission pursuant to paragraph (2)(A) may exempt from the requirements of such paragraph—

"(A) Calls for frequent callers or regular subscribers using a bypass mechanism to avoid listening to the disclosure message required by such regulations; or

"(B) audiotext services provided at nominal charges, as defined by the Commission in such regulations.

"(7) CONSUMER REFUND REQUIREMENTS.—The regulations required by paragraph (1) shall establish procedures to ensure that carriers and other parties provide appropriate refunds to callers who have been billed for audiotext services pursuant to programs that have been found to have violated this subsection or such regulations or any other Federal, State, or local consumer protection law.

"(8) RECOMMENDATIONS ON DATA PAY-PER-CALL.—The Commission, within one year after the date of enactment of this section, shall submit to the Congress the Commission's recommendations with respect to the extension of regulations under this section to services that provide, for a per call charge, data services that are not audiotext services.

"(c) EFFECT ON OTHER LAW.—

"(1) NO PREEMPTION OF ELECTION LAW.—Nothing in this section shall relieve any information provider, common carrier, local exchange carrier, or any other person from the obligation to comply with Federal, State, and local election laws and regulations.

"(2) CONSUMER PROTECTION LAWS.—Nothing in this section shall relieve any provider of audiotext services, common carrier, local exchange carrier, or any other person from the obligation to comply with Federal, State, or local laws relating to consumer protection or unfair trade.

"(3) GAMBLING LAWS.—Nothing in this section shall preclude any State from enforcing its statutes and regulations with regard to lotteries, wagering, betting, and other gambling activities.

"(4) STATE AUTHORITY.—Nothing in this section shall preclude any State from enacting and enforcing additional and complementary oversight and regulatory systems or procedures, or both, so long as such systems and procedures do not significantly impede the enforcement of this section or other Federal statutes.

"(5) LIABILITY.—No cause of action may be brought in any court or administrative agency against any common carrier or any of its affiliates on account of any action which the carrier or affiliate takes, and which the carrier or affiliate shows to be in good faith, to terminate any audiotext service in order to comply with the regulations prescribed under subsection (b).

"(d) DEFINITIONS.—For purposes of this section—

"(1) The term 'audiotext services' means any service—

"(A) in which any person provides, through interstate telecommunications—

"(i) audio information or audio entertainment produced or packaged by such person; or

"(ii) access to simultaneous voice conversation services;

"(B) for which the caller pays a per-call or per-time-interval charge that is greater than, or in addition to, the charge for transmission of the call; and

"(C) the charge for which is billed and collected by a common carrier or local exchange carrier.

Such term does not include directory services provided by a common carrier or its affiliate or by a local exchange carrier or its affiliate or any service the charge for which is tariffed.

"(2) A common carrier 'offers audiotext services' by transmitting an audiotext service through interstate communications. A local exchange carrier shall not be considered to 'offer audiotext services' if the local exchange carrier only provides exchange access services or billing services, or both, to a common carrier in connection with the common carrier's offering of audiotext services.".

DAYTON AVIATION HERITAGE NATIONAL HISTORIC PRESERVATION ACT OF 1991

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. HALL of Ohio. Mr. Speaker, on December 17, 1903, two daring and imaginative men from Dayton, OH, successfully tested a flying machine and ushered the world into the era of flight. On the sands of Kill Devil Hills, outside Kitty Hawk, NC, Wilbur and Orville Wright fulfilled a dream of the ages. Since that day, our commerce, communications, transportation, and way of life have never been the same.

But the story of the invention of controlled, manned flight did not begin nor did it end on the flats by Kill Devil Hills. This story is not nearly as well known as the events of that fateful day 88 years ago, yet it is a story every bit as important to our understanding of the conquest of the air. This is the story of how the Wright brothers forged a new technology of flight, and how they, along with others, laid the foundation for the modern aerospace industry.

Today, I join with Mr. HOBSON and many of my Ohio colleagues in the House, and with Mr. GLENN and Mr. METZENBAUM in the Senate, in introducing the Dayton Aviation Heritage National Historic Preservation Act of 1991. This is a bill that will help tell that story by establishing the Dayton Aviation Heritage National Historic Park, a new unit of the National Park System.

The purpose of the legislation is to preserve the buildings in the Wright brothers' West Dayton neighborhood and to coordinate the management of the historic sites in and around Dayton which, as a unit, contribute to our understanding of the birth of aviation. The purpose of the park is also to honor Paul Laurence Dunbar, the prominent black poet, whose house is in the same historic West Dayton neighborhood of the Wright brothers, and who was their friend and business partner.

There is no better place to tell the story of the birth of aviation than in the area of Dayton, OH. Here, the Wright brothers grew up; developed the technology for the airplane; constructed the world's first flying machine capable of controlled, powered flight; constructed and flew the world's first practical, maneuverable airplane, and established the world's first permanent flying school.

It was in Dayton that aviation pioneers, working with the Wright brothers and building on their achievements, made numerous critical advances in the early development of aeronautics and promotion of flight. These include

the manufacture of the world's first mass-produced airplane; the development of nighttime, high altitude, and blind flying; the origination of the world's first commercial airplane flight; and the invention of the modern freefall parachute, radio beacon navigation, guided missile, reversible pitch airplane propeller, crop-duster airplane and crop dusting industry, night aerial photography, and pressurized airplane cabin.

The sites and buildings connected with many of these aviation advances are still in existence, some as they appeared in the days of the Wright brothers; others in need of restoration. Many of the buildings are of national significance, as evidenced by their designation as National Historic Landmarks. Together, they represent a national cultural and historic treasure which should be preserved for all Americans to study and enjoy.

Visitors to the Dayton Aviation Heritage National Historical Park will see where the Wrights lived and worked in a neighborhood restored to its turn-of-the-century appearance. This will give visitors a feeling for the environment that fostered the Wright brothers. Visitors will also view other nationally significant landmarks of aviation history in the area by tracing the path leading to sites in the Dayton area where aviation technology was developed. This will give visitors a greater understanding of the many technological and commercial achievements that marked the beginning of the aviation industry.

The Dayton Aviation National Historical Park includes five sites in the Dayton area. The focal point of the park is an area about six blocks in the neighborhood of West Dayton directly across the Great Miami River from downtown Dayton. The area includes a row of buildings that stretches for two blocks along West Third Street and that is largely intact from the days of the Wright brothers. These buildings comprise the Wright-Dunbar Historic District, which is included in the National Register of Historic Places.

The park core includes the building which housed the Wright Cycle Company at 22 South Williams Street, where the Wright brothers began the work that led to the invention of the airplane. They occupied this building from 1895 to 1897 during which time they assembled and sold bicycles to support themselves, and in 1897 they manufactured bicycles here. The building was recently designated a National Historic Landmark.

This area also includes the Hoover Block, a building at 1060 West Third Street, which housed the Wright's job printing business. It was here that the Wrights published "The Tattler," a weekly newspaper for Dayton's black community, started by Paul Laurence Dunbar. The building also housed the monthly meetings of the International Aeroplane Club of Dayton, one of the Nation's earliest aviation organizations.

The second site in the park is Huffman Prairie Flying Field and Wright Brothers Hill located on Wright-Patterson Air Force Base. Huffman Prairie Flying Field, a National Historic Landmark, is the world's first flying field. It was established in 1904 after the Wrights decided it was too difficult to leave the Dayton area to conduct their early experiments. Here, in 1905, the Wrights perfected their flying machine culminating in a flight on October 5, 1905, that covered 24 miles. It was this flight that the Wright brothers considered the true breakthrough in aviation history; they viewed all earlier flights merely tests. Later, the Wrights established the first permanent flying school on the field. The 85-acre field has been essentially unaltered since the days of the Wright brothers.

Wright Brothers Hill, which comprises 27 acres, is the site of a memorial dedicated in the presence of Orville Wright on August 19, 1940. It was built with the assistance of the National Park Service and labor provided by the Civilian Conservation Corps.

The next unit of the park is the Wright's third airplane, which they built in 1905. This was the world's first practical airplane, able to bank, turn, circle, and make figure eights. The reconstruction of this airplane to its original 1905 appearance was personally supervised by Orville Wright. It is located in Carillon Park in south Dayton. The Wright Flyer III is a national historic landmark.

The fourth site is Hawthorn Hill, a mansion built by Orville Wright and his home from 1914 until his death in 1948. It is located at 901 Harman Avenue, in Oakwood, OH, just south of Dayton. The building contains numerous household devices designed by Orville Wright demonstrating his inventiveness. While living in the house Orville Wright continued his aviation and other experimental work. He received many guests at Hawthorn Hill, including leading inventors and aviation pioneers. Hawthorn Hill is also associated with key events in the lives of the Wright family. The building is similar to its original appearance, and the library remains as it was left by Orville Wright at his death. The National Park System Advisory Board has recommended Hawthorn Hill for designation as a national historic landmark.

The fifth site is the Paul Laurence Dunbar house, 219 North Paul Laurence Dunbar Street. Dunbar lived here from 1903 until his death in 1906. It is the only existing house in Dayton where Dunbar lived, and it has been restored by the Ohio Historical Society to appear as it did in Dunbar's life. On display at the house are some of Dunbar's furnishings, personal items, and literary possessions. The property includes an original barn. The Dunbar house is a national historic landmark.

In addition to creating the Dayton Aviation Heritage National Historical Park, the legislation also establishes the Wright-Dunbar Historic Preservation District which incorporates the neighborhood surrounding the Wright brothers' historical sites and the Paul Laurence Dunbar house. The Dayton Aviation Heritage National Historic Preservation Act of 1991 aims to create partnerships that will foster the preservation and restoration of the buildings within the preservation district in support of the park. The preservation district includes many buildings with historical and cultural significance, and it incorporates the Dunbar Historic District, which is listed on the National Register of Historic Places. Revitalizing the neighborhood will further encourage visitors to the park and enhance its immediate setting.

Finally, the legislation establishes the Dayton Historic Preservation Commission which will carry out programs that have a direct benefit to the park. These programs are not normally associated with the management of a unit of the National Park System, but they are important to supplement the National Park Service efforts to fulfill the unique needs of managing and preserving Dayton's historic resources.

The Commission, which is modeled after the highly successful Lowell Historic Preservation Commission, will administer the Wright-Dunbar Historic Preservation District by sponsoring a program of loans and grants to revitalize and restore the area. It will also set standards and objectives for the development of the neighborhood. The legislation stipulates that whenever possible, grants are to be made with matching funds from the State or local governments, or the private sector. The National Park Service's "Study of Alternatives" discusses the feasibility of this approach:

> As in other management options, additional construction and rehabilitation of Wright-related facilities and West Dayton would be dependent on a partnership approach between government agencies and members of the private sector.

The Commission also has broad authority to manage, enhance, and preserve the historic resources in the Dayton area associated with the Wright brothers, aviation history, and Paul Laurence Dunbar. This is important because of the rich historical legacy that is evident through existing buildings and artifacts which, as a unit, tell the story of the birth of the aviation industry.

Coordinating the management and promotion of these resources can greatly add to their value in educating the general public about the park's themes.

The Commission will also manage educational, cultural, and historical programs to add to the understanding of Dayton's historical aviation heritage and better tell the story of the birth of aviation to the public.

The Commission is made up of representatives of the State of Ohio and each political subdivision in which a unit of the national park is located, a representative of Wright-Patterson Air Force Base, and representatives of the Departments of Transportation and Housing and Urban Development. The Commission also includes experts in the areas under the jurisdiction of the Commission.

Some of the buildings within the historic West Third Street corridor, including the Hoover Block, are in danger of serious deterioration and ultimately total loss. The Wright Cycle Co. building is in need of further restoration. While the city of Dayton, the State of Ohio, and Aviation Trail, Inc. have invested some funds into the preservation of these buildings, funds are still inadequate to ensure the protection and restoration of these buildings. The establishment of the Dayton Aviation Heritage National Historical Park can pave the way for some Federal funds for these buildings, as well as serve as an incentive to raise additional non-Federal funds in partnership with the park.

The friendship with Paul Laurence Dunbar is an important part of the story of the park. Dunbar was one of the greatest American poets and was the first black writer in the United States to derive an income primarily from his writings and one of the first to attain national and international prominence. The Wright

brothers printed Dunbar's early writings, and they printed Dunbar's newspaper, The Tattler. Orville Wright and Dunbar were high school classmates and life-long friends. One can even speculate that the Wrights were inspired to their own achievement by their friend, who became an international celebrity while they were still toiling in their bicycle shop.

The management approach established for the park by this legislation follows the park partnership concept backed by Interior Secretary Manuel Lujan, Jr. and National Park Service Director James M. Ridenour. One of Secretary Lujan's 11 points for Stewardship of America's Public Lands and Natural Resources is partnerships:

> We will promote partnerships with State and local governments, individuals, and public and private groups at all levels, as well as utilize President Bush's 'thousand points of light'—the varied, voluntary, and unique organizations within our Nation of communities.

In a recent speech, Park Service Director Ridenour said:

> Without the active involvement of state and local governments and the private sector, we could not begin to preserve—let alone manage the amount of land needed to meet the outdoor recreation and open space needs of our population * * *. We have a leadership responsibility to develop with our partners a true national system of parks.

With that in mind, this legislation is crafted to take full advantage of park partners whenever possible, including State and local governments and the private sector. The legislation requires ownership and management by the National Park Service of only two buildings in the Dayton Aviation Heritage National Historical Park: the building housing the Wright Brothers Cycle Co. and the Hoover Block. This is aimed at keeping down costs to the Federal Government and sharing the responsibility with the local community.

It is expected that the management of other properties within the park will remain the responsibility of the current owners under partnership agreements with the National Park Service. Huffman Prairie Flying Field and the Wright Brothers Hill are owned by Wright-Patterson Air Force Base; the 1905 Wright Flyer III is owned by Carillon Park, a private, nonprofit park which includes other historical exhibits; Hawthorn Hill is owned by NCR, which has been a responsible steward of this historic property since the death of Orville Wright; and the Dunbar house is owned by the State of Ohio, which maintains it as a museum. Other properties within the park may be managed through a variety of partnerships between the park, Commission, State and local governments, and the private sector.

The Dayton Aviation National Historical Park is ideally suited to make use of the numerous volunteer organizations which already exist to promote Dayton's aviation heritage. Some of these organizations are associated with the operation of the historic structures in the park, such as Aviation Trail, Huffman Prairie League, Inc., and Paul Laurence Dunbar Association.

Under the legislation, some funds for restoration will be requested for the National Historic Landmarks comprising the park. This is in recognition of the national significance of these structures and their contribution to the understanding of our aviation heritage. However, the costs associated with normal operations of those properties will be borne by the current owners. Management and standards of operation will be a joint responsibility of the National Park Service and the owners if Federal funds were accepted.

The National Park Service's "Study of Alternatives" outlines this partnership concept as one option associated with establishing a unit of the National Park System:

> Management agencies of other associated areas or features, such as Huffman Prairie Flying Field and the Wright Flyer III, enter into cooperative agreements with the National Park Service to mark, interpret, restore, and/or provide technical assistance. Available services may include management services, program implementation, and incremental financial assistance in furthering the purposes of telling the interpretive message.

The park and Commission are authorized to seek partnerships with owners of other historic and cultural resources in the Dayton area, which are not contained within the park. For example, the buildings constructed by the Wright brothers to manufacture Wright airplanes are now owned by the Inland Division of the General Motors Corporation. This is a prime opportunity to establish a partnership between the park and the private sector at a minimum expense to the National Park Service and a maximum benefit to the American people. The National Park Service "Study of Alternatives" elaborates:

> General Motors appears interested in opening buildings 1 and 2, where Wright airplanes were once built, for limited tours, perhaps one morning per week. The company would accept preservation assistance for Orville's office and for facade treatment.

Another innovative approach taken by the Dayton Aviation Heritage National Historical Park is the inclusion of noncontiguous sites throughout the Dayton area. The successful promotion of these sites as a unit has already been demonstrated by Aviation Trail, a nonprofit organization which publishes maps and guides for more than 40 historic and cultural aviation-related sites throughout the Miami Valley. However, Aviation Trail lacks the resources and the technical ability to fully develop this concept. Leaders of Aviation Trail believe that bringing the promotional efforts, prestige, and resources of the National Park Service to the effort will greatly increase its success and attract even more visitors.

While there is precedent for noncontiguous sites within a unit of the National Park System, the Dayton park is novel in that the full story is told by visitors traveling to each part of the park. Because transportation between the sites is so vital to this approach, the legislation establishing the park calls for plans to be made for the transportation links connecting the sites.

All of the sites are within several miles of downtown Dayton, and can be traveled easily by visitors. It is both practical and appropriate that the overall coordination of these historic resources be centralized under the umbrella of the Dayton Aviation National Historical Park. It is an ideal arrangement that will make these resources more useful to the Nation.

Dayton is already a major stop on the road for travelers interested in aviation. The U.S. Air Force Museum, located not far from Huffman Prairie Flying Field, is the Nation's oldest and largest museum of military aviation, and it draws 1.4 million visitors a year. Other historical aviation-related events draw visitors from out of town to Dayton. These include the activities of the International Women's Air and Space Museum and the enshrinement ceremonies of the Aviation Hall of Fame, chartered by Congress.

Dayton is the site of the U.S. Air and Trade Show, a biannual event that is the Nation's largest combined air show and trade exposition, and attracts hundreds of thousands of people. Because Wright-Patterson Air Force Base is the Air Force's headquarters for aviation research and logistics, many more travelers from around the world come to Dayton on aviation-related business. Dayton is also home to hundreds of aviation companies which generate additional travel to the city by people who might have an interest in the park. Thus, there is already a strong foundation to support large numbers of visits by people from around the Nation to the Dayton Aviation Heritage National Historical Park.

The establishment of the Dayton Aviation Heritage National Historical Park fills in a gap in the representation of aviation-related themes in the National Park System even though the theme of the Wright brothers' historic 1903 flight is represented by the Wright Brothers National Memorial in Cape Hatteras National Seashore, NC. This memorial was originally built by the War Department and dedicated as the Kill Devil Hill Monument National Memorial in 1927. However, this memorial does not represent the full record of invention and achievement of the Wright brothers; nor does it cover the broader themes of the birth of aviation or the development of the aviation industry.

The National Park Service's "Study of Alternatives" concludes that the years of research and development by the Wright brothers before and after the Kill Devil Hill flight "are not adequately represented" by the memorial there and, "It represents only one facet of the Wright brothers' contribution to aviation history which is supplemented and enhanced by the Dayton properties." The bigger story has not yet been told by the National Park Service.

Though there has always been interest in the Wright brothers and Dayton's historical aviation heritage, the movement to fully preserve, restore, and document that heritage got underway in 1980 with the founding of Aviation Trail. Under the leadership of Jerry Sharkey, who conceived the organization and later became its president, Aviation Trail staved the wrecker's ball from some of the very sites now enshrined in this legislation. Aviation Trail purchased the building housing the Wright Cycle Co. and the Hoover Block, the former which it restored and opened as a museum.

Documentation of Dayton's aviation heritage was advanced with the publication in 1986 of "A Field Guide to Flight on the Aviation Trail in Dayton, Ohio," by Mary Ann Johnson. This book organized and made available to the public for the first time the riches of Dayton's aviation past. Its very existence highlighted the

need to better preserve and promote that past. At the request of Aviation Trail, the National Park Service undertook a National Historic Landmark theme study, which was completed in the summer of 1989. That study identified seven sites as possible National Historic Landmarks.

Dayton's leaders took notice and understood the need for action. The result was the formation of the 2003 Fund Committee in the fall of 1989, for purposes including preserving and promoting greater Dayton's internationally significant heritage of invention and creativity, with particular emphasis on the contributions of the Wright brothers; and assisting in securing, constructing and interpreting significant historic and visitor attractions for future generations. United States District Court Judge Walter H. Rice was named chairman of the 2003 Fund Committee and J. Bradford Tillson, publisher of the Dayton Daily News, was named vice chairman. Ultimately, the board came to include many other leading citizens from the Dayton area's government, historical, and business community.

At my request, and sponsored by the 2003 Fund Committee, the National Park Service in late 1989 undertook a study of alternatives to identify and evaluate a full range of conceptual alternatives for preserving and interpreting Dayton's role in the birth and development of aviation, emphasizing the contributions of the Wright brothers. That study was just published last month. While not making a recommendation, the study explored several alternatives, including the establishment of a unit of the National Park Service in Dayton. The study supported the suitability and feasibility of the National Park Service assuming the management of the Wright Cycle Co. building and the Hoover Block, a concept which is incorporated in the legislation introduced today.

The Dayton Aviation Heritage National Historical Park is supported by a wide range of State and local government officials as well as neighborhood, business, and historical organizations. There are few other potential national park designations that can claim the solid backing as the Dayton park. The bill is supported by Ohio General Assembly Senate Concurrent Resolution No. 39 adopted by the 118th General Assembly of Ohio. This resolution memorializes Congress to establish the Dayton Aviation Heritage National Historical Park and declares, "The spirit and dedication of our State and Nation are founded upon, and reflected in, this city's rich history, and the creation of the Dayton Aviation Historical Park would ensure that important elements of our past would be preserved and passed on to future generations as a record of, and testament to, past achievements."

Other governments which have issued formal resolutions or proclamations in support of the Dayton Aviation Heritage National Historical Park include Montgomery County, the city of Dayton, the city of Beavercreek, and Sugarcreek Township.

Community organizations in the Dayton area which have officially supported the effort include the 2003 Fund Committee, Dayton Area Chamber of Commerce, Parity 2000, South Metro Area Chamber of Commerce, Miami Valley Regional Planning Commission, Dayton Foundation, Kittyhawk Optimist Club, Kettering Area Chamber of Commerce, Miami Valley Arts Council, Miami Valley Military Affairs Association, United Way of the Dayton Area, Greater Dayton Private Industry Council, and Affiliate Societies Council.

Historical organizations in Ohio formally on record supporting the park include the Ohio Preservation Alliance, International Women's Air and Space Museum, Greene County Historical Society, Preservation Dayton, Inc., Centerville Historical Society, Carillon Park, and Montgomery County Historical Society. The Ohio Historic Preservation Office has declared the measure the top priority in this Congress for national park legislation.

In a letter of support to members of the Ohio House delegation, Ohio Gov. George V. Voinovich wrote, "The creation of this national historical park will call attention to the deep roots of the aerospace industry in our State and reinforce the image of Ohio as the place where new aviation technology is created." The park is also supported by Ohio Lt. Gov. Michael DeWine, a former Representative of Ohio's Seventh District, who helped lay the groundwork for this legislation. The park is also supported by Ohio House Speaker Vern Riffe.

In addition, the concept is backed by aviation historians, biographers of the Wright brothers, and members of the Wright 0 family. Wilkinson Wright, a grand nephew of the Wright brothers wrote,

> Flying, the aviation industry, space exploration, and the space industry all began with the Wright's work in the Dayton area. No other place in the world can claim that honor, so it is very appropriate that we have national recognition of this important history.

Many people have worked on the creation of this proposal which has truly been a wide and deep community effort. Special mention should go to Richard B. Helwig, city manager of Dayton, for his vigorous promotion of the project. Also instrumental has been Frederick Bartenstein III, director of the Dayton Foundation, for his help in establishing the 2003 Fund Committee. Mary Mathews, representing Carillon Park, and W. Ray Luce, representing the Ohio Historical Society, have offered many creative contributions. The leadership and staff of Wright-Patterson Air Force Base have been very valuable, as have been the boards of directors of the 2003 Fund Committee and Aviation Trail. Another major contributor is Madeline J. Iseli-Smith, executive director of the 2003 Fund Committee, and a former member of my staff.

As a supporter of the National Park System, Orville Wright would be proud of this effort. In 1917, just 1 year after the creation of the National Park Service, Orville Wright addressed the National Park Conference in Washington and proposed landing strips near national parks.

The establishment of the aviation industry is a testament to mankind's technological achievement giving reality to the ageold dream of flight. The story of the birth of flight belongs to all Americans, and the telling of that story can be an inspiration for the future inventiveness of our Nation. The National Park Service "Study of Alternatives" concludes, "There is a great story to tell—a story that is not only from the past but is also part of the present, with the Air Force base, museum, and other aviation activities in Dayton. This context gives the story additional riches."

It is my hope, and the hope of the many supporters of this bill, that it will enable the speedy establishment of the Dayton Aviation Heritage National Historical Park so that it will be fully operational by 2003, the year the world will celebrate the centennial of the Wright brothers' historic flight. At long last, the story can be told.

SETBACK FOR MEXICAN HUMAN RIGHTS POLICY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. BEREUTER. Mr. Speaker, in recent years the human rights policy in Mexico has become a matter of increasing concern. According to a recent report by America's Watch, torture is endemic in Mexico, occurs in all parts of the country, and is practiced by most of the branches of the Federal and State policy and the armed forces. In short, human rights abuses are alleged to have become institutionalized in Mexican society.

The most infamous human rights case occurred last May, when the nation's leading human rights attorney, Norma Corona Sapiens, was gunned down in the street. While individuals have been arrested for the crime, those who ordered the crime remain at large.

In an attempt to reassert some control over human rights abusers, in particular the Federal Judicial Police, the government of President Salinas created a National Human Rights Commission [CNDH], and appointed a board of directors that was above reproach. The CNDH has pursued its mandate aggressively, and has investigated thousands of human rights cases.

Recently, however, it was discovered that the offices of the CNDH had been bugged, that telephones had been tapped, and that the offices of the president, Dr. Jorge Carpiso, had been thoroughly infiltrated. While the culprits have not been found, it is widely believed by knowledgable sources that this is the act of the Interior Ministry, an organization that has been the subject of CNDH investigations.

Mr. Speaker, I raise this issue because the Mexican Government must realize that the United States is serious about respecting human rights. Americans believe that there are certain basic standards of behavior to which all nations must adhere. And, Mr. Speaker, the bugging of the Mexican Human Rights Commission does not fall within anyone's definition of acceptable behavior.

Mr. Speaker, this Member would ask to insert an article into the RECORD from the April 22 edition of the Financial Times. Entitled "Red Faces in Mexico Over Phone Taps," this article details the problems faced by the CNDH. There is little hope for advancement of basic civil and political rights in Mexico if the government, especially the Federal Judicial Police and the Ministry of Interior, does not permit the Human Rights Commission to per-

form its duties. This Member commends this article to his colleagues.

[From Financial Times, Apr. 22, 1991]

RED FACES IN MEXICO OVER PHONE TAPS

(By Damian Fraser)

Mexico's National Human Rights Commission (CNDH) has deeply embarrassed its paymasters, the federal government, by complaining officially that its telephones are tapped and that the offices of its president, Mr. Jorge Capizo, were being bugged.

The Commission found two microphones and a transmitter hidden in its offices early last month, and after failing to find out who was responsible for putting them there, sent the offending technology to the Attorney General's office last week. In a brief statement the latter said the listening devices were extremely unsophisticated, thus suggesting that they were not planted by the government.

Although telephone tapping is illegal in Mexico, it is widely believed to be one of the favourite activities of Mexico's security-conscious Interior Ministry, known as Gobernacion. Last September, Mexico's two leading opposition parties, and the Mexico City Assembly Commission demanded an official inquiry into allegations that opposition and business leaders, journalists, and even government members were having their phones tapped.

The CNDH was set up by President Carlos Salinas last June amid growing concern about Mexico's deteriorating human rights record. This latest incident will do nothing to abate that concern. At the time CNDH was inaugurated, Americas Watch wrote that torture was "endemic" in Mexico "practised by most, if not all, branches of the federal and state police, as well as by the armed forces". A few months later Amnesty International reported that "Mexico today is a human rights emergency."

Even though CNDH nominally answers to Gobernacion, it has been surprisingly effective in discovering and reporting human rights violations, which probably explains why its phones were bugged. Its recommendations have led to the release to a number of quasi-political prisoners.

The CNDH has reserved some of its harshest criticisms for the Federal Attorney General's office, which, ironically enough, is responsible for finding out who put the bugs in the commission's offices.

TRIBUTE TO THE KIWANIS CLUB OF TECUMSEH

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. PURSELL. Mr. Speaker, I rise today to recognize an important milestone for one of the outstanding organizations in my congressional district. Mr. Speaker, May 9 marked the 35th anniversary of the Kiwanis Club of Tecumseh.

For 35 years, Kiwanians in Tecumseh have played an important part in the life of their community. Dedicated to the betterment of their town, its people and its organizations, Tecumseh Kiwanians have made a difference.

Located between Ann Arbor and Adrian, the city of Tecumseh stands as a shining example of what small town America was intended to be—a community of neighbors who take great pride in their hometown and in the accomplishments and efforts of all their fellow residents.

Over the years, the Kiwanis Club of Tecumseh has provided tremendous resources in keeping that dream alive. Through its fundraising efforts, the club has returned thousands of dollars to community projects and organizations. Likewise, the club members have donated thousands of hours of their time for community service projects.

It would be almost impossible to count the number of lives which have been impacted by the work of the Tecumseh Kiwanians during the past 35 years—those who have received scholarships, those who have used facilities purchased in whole or part through charitable work, and even those who have attended club meetings.

At a time when volunteer service tends to be waning, the membership of the Tecumseh club has been growing. From a town of some 10,000 people, this organization boasts an active membership of more than 85. Mr. Speaker, I believe we all know of and represent towns which are much larger yet have much smaller service clubs. The strength of the Tecumseh club reflects the success of its efforts.

From its start 35 years ago, when two existing Lenawee County Kiwanis Clubs joined forces to charter a new club in Tecumseh, the men and women of Tecumseh Kiwanis have worked to make their organization one of the best.

Mr. Speaker, as they pause to celebrate this milestone, I ask all my colleagues to join with me in extending congratulations on an outstanding job to the members—past and present—of the Kiwanis Club of Tecumseh.

CONGRESSIONAL CALL TO CONSCIENCE ON BEHALF OF SOVIET JEWS

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. JEFFERSON. Mr. Speaker, I am honored to participate in this Congressional Call to Conscience on behalf of Soviet Jews. I wish to speak today not only of the case of one individual, Yan Satanovsy, but of the increasingly grave situation faced by Jews in the Soviet Union.

Yan and his family first applied for permission to emigrate to Israel in 1979. Soviet authorities refused permission, citing Yan's access to "state information" when he worked in the Ministry of Machine Building. Yan left the Ministry in 1975. With this refusal, Yan and his family joined the ranks of thousands of refuseniks arbitrarily denied permission to emigrate from the Soviet Union.

Yan last applied for permission to emigrate in 1990. Soviet authorities informed him that his application would not even be considered until 1993—almost 20 years after his alleged exposure to state secrets.

With his application pending, Yan could simply bide his time and avoid taking actions that could jeopardize his chances for a visa. Instead, Yan has become actively involved in the refusenik movement, working on behalf of thousands of others like him who want to leave, but cannot.

Their efforts to emigrate have become even more urgent in recent months, as reports indicate a rise in anti-Jewish intimidation and violence in the Soviet Union. The escalating internal strife and deteriorating socioeconomic conditions in the U.S.S.R. have fueled particularly virulent forms of anti-Semitism. Racist Russian nationalist groups such as Pamyat have found an increasingly receptive audience to their claims that Jews are to blame for the growing disorder and hardships. Anti-Semitic propaganda is appearing in the mass media as well as official journals. The Soviet Ministry of Defense recently published the "Protocols of the Elders of Zion," an infamous anti-Semitic canard, in its official journal.

At this time, it is critical that Congress redouble its efforts to press for emigration liberalization in the Soviet Union. While record numbers of Jews were allocated to emigrate last year, Soviet citizens still do not enjoy the right to emigrate freely. Earlier this week, the Supreme Soviet failed to approve an emigration bill that would open the Soviet Union's borders to its citizens. The bill remains under consideration.

If we fail to bring pressure to bear at this moment, Mr. Speaker, we could miss a great opportunity to fulfill the dream of thousands of Soviet Jews: the dream of freedom. Let Congress make its collective voice heard and use all of the means at its disposal to encourage the passage of this landmark legislation.

MIDDLE EAST ARMS CONTROL LEGISLATION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. BERMAN. Mr. Speaker, I rise to introduce legislation today to encourage the establishment of a regime to control supply of conventional and unconventional weapons to the Middle East and, eventually I hope, worldwide.

This legislation lays down a first marker—both for the administration and for foreign nations—that we are serious about stopping the unbridled sale of dangerous weapons.

When I voted in support of the use of military force against Iraq in January, I swore to myself that, however that confrontation resolved itself, we would not return to the status quo ante. We must not put any issue above that of trying to fundamentally change the system whereby the countries of the world sell arms.

Over the last 3 months, I have attended hearings with a handful of administration witnesses to whom I have put the same question: What is the United States doing to constrain the sales of weapons around the world?

From these witnesses I have received answer ranging from indications that "it is a high priority," to "it is on the agenda," to "it is not even a desirable outcome in and of itself." The lack of agreement has led me to conclude that it is necessary to employ some means to

focus the administration on, at the very least, examining its options.

This legislation is a good first step. It does not unnecessarily jump the gun in singling out U.S. arms exporters for immediate moratorium. Rather, it puts a burden on the President to demonstrate his own commitment to exploring in a serious fashion the willingness of other countries to join with us in putting an end to these destabilizing arms sales.

Second, it adds focus to our analysis of what the appropriate institutions and mechanisms are for controlling the spread of conventional exotic weapons.

I hope we will find much support for this effort in the House. I think our work on it should be dedicated to the soldiers who were called upon to fight last January as a result of the many years of neglecting the obvious consequences of unrestrained worldwide arms sales.

Specifically, the proposed legislation would require the cessation of U.S. arms sales after 60 days unless the President:

Certified that he had undertaken in good faith all possible efforts to convene a conference for the establishment of an arms suppliers' regime; and,

Proposed a report detailing and analyzing the feasibility of an arms control regime among nations of the Middle East and set forth a U.S. plan for heading the world community in establishing a multilateral regime to restrict transfers of conventional and unconventional arms to the Middle East. The legislation provides for later expansion of the regime to other regions of the world.

A TRIBUTE TO REV. HOWARD FINSTER

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. DARDEN. Mr. Speaker, throughout history man has sought many ways in which to spread the Gospel. Today I would like to share with my distinguished colleagues the story of one man's unique effort in accomplishing this goal.

Many years ago, the Rev. Howard Finster of Summerville, GA, stuck his finger in a can of paint and had a vision. In this dream-like state, he has said, he was told to preach the word of God through his art. Approximately 19,000 works of art later and a 2-acre Paradise Garden of his own incredibly unique design, the Rev. Finster has more than conquered the folk art world and, more importantly, succeeded in spreading the good news to millions. On Saturday, May 18, the 74-year-old north Georgia visionary will be recognized for his efforts and accomplishments in the first-ever Finster Fest.

Many a curious traveler has meandered through the unassuming neighborhood in Pennville, Ga, on the outskirts of Summerville, in desperate search of the fairy-tale like Paradise Garden. A glimpse of a round church bedecked with colorful ornaments of what can only be described as "stuff" towers above the other homes along the streets; you know you're there. On a 2-acre block, which also encompasses the reverend's home and several other dwellings belonging to his children, is a veritable village of folk art.

Inside the gates, one can study sculptures and paintings made of anything and everything one has ever known or could imagine—a 25-foot rusted assemblage of bicycle parts; a playhouse comprised of thick soda bottles holding multi-color marbles; winding walkways inlaid with mirrors, coins, toys, buttons—anything. His trademark is his use of simple folk figures, often in the form of angels, which almost always accompany a verse of scripture or a description of one of the Reverend Finster's many Biblical visions about his concern for the future of this world. New on the grounds is a chapel where the preacher performs weddings and baptisms. It also houses a casket which he has personally customized.

The rock bands R.E.M. and Talking Heads helped boost the Reverend Finster to stardom when they asked him to design their album covers several years ago. In the summer of 1989, the popular Music Television [MTV] included the Summerville minister and his unique creations as part of a special on-the-road feature highlighting interesting people throughout the country. Over the years, the Reverend Finster has developed many friendships with other nationally recognized artists.

According to a leading Atlanta art dealer, the reverend's works fetch as much as $6,000—and up to $20,000 for pre-1982 pieces. Several of his works are on permanent display in galleries throughout the Nation. The reverend most often paints the entire night through, but his primary role as missionary remains his true passion in life. In fact, many visitors to Finster's world may find themselves sidetracked before entering the gardens. On occasion, the preacher will take a break from painting to minister to whomever is willing to sit in folding chairs in his back yard and listen to his message—his hope for the world.

In addition to Finster Fest, which will include poetry readings, music and art, a collection of the Reverend Finster's paintings currently is being showcased in an exhibit at the First National Bank of Summerville.

I am pleased the Summerville Community has organized a day to honor the Reverend Finster for his immeasurable contributions to the art world and his commitment to spreading the word of God. Although the reverend is troubled by arthritis and diabetes, he is long from slowing down. I am certain there is much more to be added to the garden, many more visions to be interpreted and translated—much more in store for the world from the Reverend Howard Finster.

IN HONOR OF AGNES AND LOUIS TEBO—TWO EXEMPLARY CITIZENS ON THEIR 50TH WEDDING ANNIVERSARY

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to Agnes and Louis Tebo on their 50th wedding anniversary, which they celebrated on February 16, 1991. Agnes and Louis have been a great source of inspiration to those who know them because of their deep understanding and commitment to each other and the community.

Agnes Dronet Tebo was born October 25, 1914, in Delcambre, LA. Louis (Bonnie) Tebo was born July 2, 1907, in Lafayette, LA. Both of their families settled in Port Arthur, TX, where they met each other at Lincoln High School. Agnes was the first to move to California in July 1937, while Louis came out in 1938. They were married in Port Arthur on January 4, 1941. Agnes started her job life working in various homes as a domestic engineer. She worked for the Tynan family for over 47 years. She started her part-time catering business in the 1950's, and has continued catering to this day.

Louis Tebo was also an entrepreneur. He started his own shoeshine business at the Jeffery Hotel and continued its operation for 25 years. He then went to work in a custodial position at Monterey Savings & Loan for 15 years. Louis ended up retiring in 1982 as the unofficial public relations officer.

From the very start of their marriage, Agnes and Louis had goals and dreams of overcoming the historical economic and social handicaps which plagued the progress for black Americans. Together they have been part of the pioneering spirit in Salinas, quietly trying to make a difference in the community. Both Agnes and Louis have been charter members of the National Association for the Advancement of Colored People and have been members of the Salinas branch for 52 years.

Their community involvement is extensive and admirable. Agnes has been involved in several organizations including the Catholic Daughters, Altar Society, Young Ladies Institute, and Phi Epsilon Phi (Alpha Nu Branch). She was also the founding member of the Culturettes Social Club. Louis has been a member of the Knights of Columbus for 35 years and is a member of the Esquire Club. For the past 10 years, however, the organization which has taken up most of their time is the Northern California Chapter of the Port Arthur Club. Its membership is made up of persons who have lived in Port Arthur and attended Lincoln High School. This organization meets every other month, and has an annual meeting every 2 years in designated areas of the country.

Compassion, fellowship, and concern for others, regardless of race, creed, or class, have been traits demonstrated collectively in this outstanding couple. In the course of their lifetime, Agnes and Louis adopted two children and have been godparents to numerous others. Together in 1981 and 1982, they also took the time to travel to Haiti in the company of Sister Denise to take food, clothing, and medicine to the Haitian people. Between the two of them, they have visited 5 continents and 35 countries. Their marvellous contributions have not gone unrecognized. During Black History Month in 1988, a scholarship was established in their name at Hartnell College for the many years of support they have given to helping others.

The Tebo's union has always been one of mutual respect for the capabilities that each brought to the marriage. Their life together is characterized by determination, hard work, and achievement. Mr. Speaker, I ask my colleagues to join me now in congratulating Agnes and Louis Tebo on their 50th anniversary. For the improvement of society, we can only hope that more young couples today will strive to achieve the lasting love and commitment that Agnes and Louis have shared for five decades.

THE CAMPUS SEXUAL ASSAULT VICTIMS BILL OF RIGHTS

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. BLILEY. Mr. Speaker, it is my pleasure to join with my colleagues, Mr. RAMSTAD and Mr. GOODLING in cosponsoring the Campus Sexual Assault Victims Bill of Rights.

Reflecting trends throughout society as a whole, crime has become an ever increasing problem on our Nation's campuses. Most of us remember our college experience as the threshold of adulthood—a time of exhilarating growth and achievement. For far too many young women, however, their time in college has become the scene of the life-shattering experience of falling victim to sexual assault.

Sadly, in many instances their personal tragedy could have been avoided through more vigorous efforts by college authorities to provide a safe environment and greater social discipline on campus. After the crime has occurred, however, too many young women are victimized a second time through inattention to their rights. Victims of sexual assault on campus often face inadequate procedures by which they can seek redress through college disciplinary authorities and often are given no practical alternative but to live in close proximity to their alleged assailant. In some cases substantial pressure is brought to bear on the victim to deter her from reporting the crime to local law enforcement authorities.

The legislation that we are cosponsoring would assure that the victims of sexual assault at colleges which receive Federal funds are treated fairly and decently by school officials. Ensuring just treatment for the victims of crime is, of course, the primary goal of this bill. In addition, I would hope that by providing enhanced rights for victims, this legislation would also encourage colleges and universities to take greater responsibility in protecting their students from becoming victims in the first place.

Both the students and their parents who have worked so hard to provide them with a college education deserve no less.

A TRIBUTE TO MANUEL N. MATTA

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. RHODES. Mr. Speaker, I rise to commend Mr. Manuel N. Matta, the recipient of the Mesa Association of Hispanic Citizens' Pedro W. Guerrero Fund. Mr. Matta has distinguished himself in the business world by starting a business in 1953, and keeping that business alive and well for nearly 40 years. Mr. Matta is perhaps better known though, for his work in civil rights. When he was a young man in Texas, Hispanics were prevented from attending high school so Manuel never got past the seventh grade. Now Manuel Matta is a key force behind the League of United Latin American Citizens' establishment of English classes for Hispanic children. When he spoke Spanish in restaurants, he was thrown out and now, he owns a restaurant serving all people regardless of language. Many people believe that there aren't any more heroes in America. I say, if you look closely you can find heroes like Manuel N. Matta.

THE DEAUTHORIZATION OF THE SAG HARBOR CHANNEL

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, today I am introducing legislation to deauthorize a Federal channel at Sag Harbor, Long Island, NY.

The ship channel was last dredged by the Federal Government in the early 1930's. In later years, Mobil Oil had a facility, located at Sag Harbor, that initiated barge traffic through the channel. With the demise of the Mobil Oil terminal, the channel no longer necessitated federalized status. In fact, there has not been any barge or scow traffic in the Sag Harbor bay, either in the channels, mooring areas, or wharfs since 1985, when the last vestiges of the oil facility were removed.

Mr. Speaker, I ask my congressional colleagues to support this legislation that would deauthorize this Federal channel. It would be wasteful to continue to have this channel under Federal jurisdiction, in name only, when the project is no longer needed.

SUPPORTING H.R. 1143 AND AMERICAN WORKERS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. LIPINSKI. Mr. Speaker, it is with great pleasure that I join my colleagues in support of H.R. 1143, a bill to authorize a theme study of nationally significant places in American labor history. Such a study is long overdue and its necessity grows with each passing year.

The role of the United States as a global leader is largely due to the efforts of its workers. In industries ranging from agriculture to automobiles and computer software to transportation and infrastructure, a multitude of technological advances have been discovered, implemented, and improved upon by American workers. Other countries may attempt to compete as effectively in the world marketplace, but "Made in the U.S.A." still invokes a sense of buyer confidence about product quality in the minds of foreign consumers. American industry and the American worker continue to serve as role models for the world community and especially acting as a source of inspiration for less developed nations.

The present U.S. eminence could not have arisen without a strong educational system which reinforces a message of applying perseverance toward the achievement of excellence. Although this tradition continues today, the changing world and increasingly competitive marketplace demand an improved approach. It is vital that our young continue to realize that success and prosperity through hard work, industry, and innovation are readily attainable. Our textbooks, and the curriculum in general do not make the connections between free trade unionism and securing economic justice. By identifying and commemorating certain places and the events that make them stand out, we can convey to our children the importance of hard work, commitment to goals, and achievement of dreams.

I have the honor to represent the Fifth Congressional District of Illinois, located in the southern portion of Chicago and home to a great number of union members and their families. Today, Chicago maintains its historical position as a foundation for the principles of the American work ethic. The city also continues to remain a sturdy pillar of this Nation's industrial base. Not surprisingly, dozens of sites notable for their role in American labor history can be found throughout greater Chicagoland.

The importance of educating young Americans about their Nation's labor history cannot be overemphasized. As we are now witnessing, throughout the world many societies where trade unionism is weak or oppressed, have not achieved democratic rule. In fact, the economic and political futures of these states remain forboding. Additionally, extremist movements tend to prosper in such environments discouraging any significant foreign investment. The Solidarity movement in Poland is an excellent example of a nation whose strong unions are presently working in conjunction with the Government to ensure a prosperous future.

The history of the American labor movement is an intrinsic part of the history of the United States and as such has contributed to a future of American prosperity and advancement. The efforts of America's working men and women need to be recalled for the important roles that they have played in building our Nation. The designation of key sites as national historic landmarks will help focus attention on the part workers and their unions have played in our history while ensuring that future generations recognize, but more importantly understand, their significance.

A TRIBUTE TO CLARISSA BOWSER WILKINSON

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. DYMALLY. Mr. Speaker, I rise to pay tribute to a truly outstanding person, Clarissa Bowser Wilkinson. After 34 years of meritorious service at Thomas Jefferson High School, Clarissa is retiring to serve the Los Angeles community in other meaningful ways. The many youth who were fortunate enough to come in contact with this marvelous role model had their lives indelibly touched. As a teacher of home economics, Clarissa taught more than cooking and sewing. Mr. Speaker, Clarissa gave her students lessons on real life issues such as home management and self-esteem.

Clarissa Wilkinson's skills were far beyond the teaching of home economics. She was Jefferson High School's first academic decathlon coach and sponsor of the Charm Club and FHA-HERO—Future Homemakers of America-Home Economics Related Occupations. Clarissa has always maintained a strong sense of community. Her students are involved in a number of community projects including projects for children at Martin Luther King Hospital and homes for abused and battered children.

Clarissa's professional affiliations include service with United Teachers of Los Angeles, dual NEA/AFT membership, political action contact for UTLA, PACE, and the Central Steering Committee.

Mr. Speaker, Clarissa has managed to find time in her busy community agenda to become an accomplished golfer. She is currently a member of the Tee Masters Golf in Los Angeles and serves on the board of directors.

In 1990, Clarissa was invited to play at the world famous Augusta National Golf Course. Clarissa is only the second African-American woman to play the prestigious course.

Mr. Speaker, every community needs a Clarissa Bowser Wilkinson. Citizens of Los Angeles and the State of California are fortunate enough to have one.

SAFETY OF PESTICIDES IN FOOD ACT OF 1991

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. WAXMAN. Mr. Speaker, I am pleased to introduce the Safety of Pesticides in Food Act of 1991. If enacted into law, this legislation will significantly increase the safety of the food supply. For the first time, American consumers will be assured that pesticides in food have no more than a negligible risk.

The Food, Drug and Cosmetic Act regulates pesticides used in food. But the provisions of the act applicable to pesticides have not been amended for 27 years. Over the years, the act's emphasis on the protection of public health has been distorted by the Environmental Protection Agency to permit the use of unsafe pesticides.

Mr. Speaker, we have learned a lot about food safety during the past 27 years.

We have learned that pesticides can pose serious health hazards; in fact, EPA has identified 66 pesticides that are animal carcinogens.

We have learned that children are particularly susceptible to chemical hazards including pesticides.

We have learned that we need health-based standards for all pesticides in food; if the food is not safe, no amount of economic benefits will justify its use.

We have also learned from the experience of Alar, the pesticide that we used to make apples redder until "60 Minutes" ran a story about its risk to consumers, especially children. The Alar episode taught us that Americans are concerned about pesticide safety, particularly when their children are affected. It taught us that farmers will be vulnerable as long as the Environmental Protection Agency delays making decisions on the safety of pesticides, and delays taking unsafe pesticides off the market. It taught us that we need to do better when it comes to the regulation of pesticides.

Unfortunately, Mr. Speaker, there is also a lot that we still don't know when it comes to pesticides. In many cases, we don't know whether a particular pesticide is safe or not. Even though since 1972 other laws have required EPA to review the safety of all pesticides—regardless of whether they are used on food—the Agency has completed that review for fewer than 10 pesticides. Approximately 300 pesticides and their inert ingredients still have not been reviewed, resulting in significant gaps in our knowledge about the safety of foods that use those pesticides.

The Safety of Pesticides in Food Act of 1991 will give American consumers the assurances that they are entitled to about the safety of their food supply.

The bill will prohibit the sale of foods with pesticide chemical residues unless the risk from those residues is negligible.

The bill will require EPA to take into account the unique susceptibility of children to pesticide chemcials.

The bill will eliminate economic benefits from the consideration of whether a pesticide is safe for use on food.

The bill will significantly simplify the procedures for taking a pesticide off the market where data are inadequate to support its safety or where data affirmatively demonstrate that the pesticide is hazardous to health.

Finally, the bill will establish a mandatory, enforceable timetable for deciding whether pesticides on the market are safe.

This legislation will obviously benefit consumers. But I believe that food processors will also benefit from its provisions. No longer will they be subject to inconsistent statutory standards and inconsistent implementation of those standards by EPA. No longer will they be subject to publicity hits such as occurred after the "60 Minutes" story on the pesticide alar, after EPA delayed for years in making a decision about that pesticide's safety.

The bill will also benefit EPA, which has been stymied by the cumbersome procedures in current law. By simplifying the procedures for gathering data on pesticides and removing unsafe pesticides from the market, this legislation will free up valuable EPA resources and allow the Agency to take decisive action that is occasionally necessary to protect the safety of the food supply.

Mr. Speaker, I am pleased to note that Senator KENNEDY, Chairman of the Senate Labor and Human Resources Committee, will introduce an identical campanion bill and will assume leadership in the other body for moving this legislation forward.

Mr. Speaker, it is my sense that diverse parties want pesticide legislation this year. The Administration, the food processors, consumer and environmental groups all support updating the pesticide residue provisions in the Food, Drug, and Cosmetic Act. There is probably nothing more important that we can do to improve the safety of the food supply.

TRIBUTE TO THE STUDENTS OF C.H. PRICE MIDDLE SCHOOL

HON. CRAIG T. JAMES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. JAMES. Mr. Speaker, I rise today to honor and recognize the students, faculty and administration of C.H. Price Middle School in Interlachen, FL.

Last week the U.S. Department of Education announced that just 222 schools from all over the country were exemplary and outstanding. These are the schools that make up the 1990–91 Blue Ribbon Schools Program.

On that list of America's top schools is C.H. Price Middle School, which is located in my congressional district.

The Blue Ribbon Schools Program identifies outstanding public and private elementary and secondary schools across the United States.

In Blue Ribbon Schools, teachers, parents, administrators, and members of the local community band together to further the intellectual, social, physical, and moral growth of every student that walks through the school doors.

Quite simply, these are our Nation's best schools.

C.H. Price Middle School was honored for a number of reasons. First and foremost is the leadership of Principal Howard Alred and his top-notch staff.

Principal Alred has put into place programs that encourage parent and community involvement; programs that challenge and reward every student that attends C.H. Price; and, programs that encourage a positive teaching environment and teacher growth.

But even the best programs and the best teachers will have trouble if students aren't motivated to do their best.

At C.H. Price Middle School there is no question about the students—they're a good group of kids.

When the U.S. Department of Education announced that C.H. Price was a Blue Ribbon School, officials said that the C.H. Price students had shown "impressive academic achievement and responsible behavior."

I agree.

Mr. Speaker, I ask that all of my colleagues join me in congratulating C.H. Price Middle School and the community of Interlachen, FL on receiving this fine honor.

RECOGNITION OF JULIE SNOW: HAWAII WINNER OF THE 1990–91 YOUNG WRITER'S CONTEST

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mrs. MINK. Mr. Speaker, I rise today to recognize an uncommon artist and writer who has been named a winner of a competition that involved 18,000 entries from all 50 States, the District of Columbia, Guam, Puerto Rico, Mexico, Nigeria, and a number of American community schools around the world.

Julie Snow, a student at the Hawaii Preparatory Academy in Kamuela, HI, will have her poem entitled "Why?" published in the 1991 Rainbow Collection, an anthology of this year's winning entries sponsored by a grant from the Ronald McDonald Children's Charities. Miss Snow's poem will also appear in America on My Mind, published by Falcon Press this year. Her school will receive a $250 cash prize donation as well.

The Young Writer's Contest Foundation encourages children to write and to develop in them a higher standard of excellence with language skills. I believe the Congress should recognize and commend the Foundation, and offer to Miss Snow our congratulations for her talent and achievement.

In a time when we are told that the educational level of our youth is declining and that America is at risk because our schools no longer teach our children to read and write effectively, it is heartening to see evidence to the contrary. Miss Snow and the thousands of other young writers who took the time and effort to enter this excellent competition show us that teachers and parents can still inspire the best from our schoolchildren, and we can look forward to their considerable talents in government, industry, and the arts in the years to come.

I take utmost pride in submitting Hawaii's winning entry in this year's Young Writer's Contest for the RECORD:

WHY?

(By Julie Snow)

Roses are so beautiful
Why do they have to die?
I know it seems silly
But I'm still wondering why.

They start their lives as buds
So elegant and fair,
Then burst into bloom with a scent so fragrant
I could float in the air.

Several flowers to a bush
Like stars in a peaceful sky.
So vivid and colorful
They dazzle my eyes.

So perfect and dainty
Now I think I know.
A rose must leave us to make room
For another to grow.

(Grade 6, Teacher: Margaret Jambor, Hawaii Preparatory Academy, Kamuela, HI)

NEW JERSEY PRIDE HONOR ROLL: 100 YEARS OF FIRE PROTECTION

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. GALLO. Mr. Speaker, July 30, 1991, marks the 100th anniversary of the formation of the Boonton Fire Co. of Boonton, NJ.

Prior to that date, perhaps as far back as 1821, fire protection was provided by the Boonton Iron Works and through other informal agreements, but it was not until 1891 that fire protection became a community endeavor.

What began as the Maxfield Ladder Co. and the Maxfield Engine Co. quickly grew with the founding of the Harmony Engine & Hose Co. in 1894 to provide fire protection for West Boonton, located originally at Oak Street and Highland Avenue.

The fire wardens, established in 1892, evolved to become the salvage and rescue squad within the fire department structure.

In November 1892, a group of citizens formed the South Boonton Volunteer Fire Co., and operated as a independent company for 15 years, until officially joining the fire department in 1907.

The town of Boonton and the surrounding communities have changed a great deal in 100 years, but through it all, the members of the Boonton Fire Department have distinguished themselves as true professionals both in fire prevention and in the ability to respond quickly during times of emergency. Countless lives have been saved because these dedicated individuals have been trained and ready to respond.

Mr. Speaker, I ask my colleagues to join me in recognizing the accomplishments of the members of the Boonton Fire Department as they celebrate 100 years of service to their community, and to wish for them another 100 years of success.

THE 250TH ANNIVERSARY OF THE FIRST PRESBYTERIAN CHURCH

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. DWYER of New Jersey. Mr. Speaker, today I am proud to share with my colleagues the history of a church and its congregation. On May 18, the First Presbyterian Church in Rahway, NJ, will celebrate its 250th anniversary.

Organized in 1741, the church was initially run by young college men until the arrival of Rev. Aaron Richards in 1748. With the exception of a short period during the Revolutionary War, when he was forced to flee to avoid capture, Mr. Richards served his congregation until 1791.

Over the next 50 years, the church was relocated a short distance away and a new building was erected, patterned after the Third Presbyterian Church of Newark. The new edifice could accommodate 1,000 worshippers, which even by today's standards is an impressive testament to the importance of the First Presbyterian Church in the lives of its congregation.

By 1849, it was necessary to establish the Second Presbyterian Church due to increasing membership in the church. However, that action did not diminish the role of the First Presbyterian Church which over the next 50 years grew with the needs of its congregation, soon adding a second weekly service.

Improvements and renovations over the years continued to reflect the changes taking place throughout the country. The church moved into the 20th century in step with a growing nation.

The history of the First Presbyterian Church is an illustrious one, which has enriched the history of Rahway, of the State of New Jersey and of the Nation. While the physical appearance of a church can be an inspiration to people, its vitality and growth can only be assured through its successful ministry to its congregation. That the First Presbyterian Church is celebrating 250 years of service is a testament that it has accomplished this mission.

TRIBUTE TO THE REVEREND DOCTOR HENRY HURD BREUL, D.D.

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Ms. NORTON. Mr. Speaker, I am pleased to pay special tribute today to the Reverend Doctor Henry Hurd Breul, D.D., who will retire on May 19, 1991, after more than a quarter of a century of distinguished and dedicated service to the residents of the District of Columbia as Rector of St. Thomas' Parish, 1772 Church Street, NW, in my district, and to recognize his extraordinary contribution to the Protestant Episcopal Church in the United States.

Father Breul—the great-grandson of legendary showman P.T. Barnum—was called in 1965 to be rector of St. Thomas' Parish, the nearest church to DuPont Circle. Immediately prior to this assignment, while serving in Topeka, KS, he was the "unofficial" chaplain to the Kansas State Senate and a leader among the clergy of Kansas in pushing for fair housing legislation; he also started weekly luncheons there to deal with racial tensions then simmering in his city.

Father Breul found similar tensions awaiting him upon his arrival at St. Thomas' in the midsixties, and dealt patiently and creatively with the turmoil and anxieties of those troubled times. He soon was called upon to shepherd his flock through the trauma that followed a fire in 1970 which completely destroyed the historic church building housing St. Thomas', and services since then have been held in the large parish hall that survived the fire, with the building site converted into an attractive DuPont neighborhood park.

Father Breul has been a leader in the Council of Associated Parishes since 1962, and its president in 1970–71; he was editor of OPEN, the Quarterly Journal of Associated Parishes, for 15 years, putting him in the forefront of the liturgical movement in the Episcopal Church and significantly contributing to the ecumenical

process of liturgical renewal in the Christian community. He also made St. Thomas' the Dupont neighborhood meeting place for Advisory Neighborhood Commission 2B, and has served on the DC Advisory Committee on Civil Rights and the Diocesan Council of DC; he was twice a deputy to the General Convention of the Episcopal Church, and served from 1970–82 as associate editor of "Issues," the general convention publication.

Washington, DC, and the Nation can take pride in the exceptional accomplishments of the Reverend Doctor Henry Hurd Breul. I am proud and honored to salute him in these Chambers today, and to wish him all the best in his future endeavors.

A BILL TO PROHIBIT UNFUNDED FEDERAL MANDATES

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Ms. SNOWE. Mr. Speaker, today I am introducing legislation prohibiting the Federal Government from imposing unfunded mandates on State and local governments. My measure is designed to address a growing and significant problem: the Federal Government's habit of passing laws requiring State and local governments to meet certain standards while at the same time neglecting to pay for these mandates.

If adopted, the bill would prevent the Federal Government from adopting laws that achieve worthwhile goals—clean air and water, for example—while making State and local governments foot the bill.

Earlier this year, I met with municipal officials from Maine to discuss issues of concern to towns and cites in our State. They had a short, sweet, and simple request for their congressional delegation: "Please don't adopt any more unfunded Federal mandates, because our cities and towns can't meet those unfunded mandates already on the books, let alone any new ones."

For example, it is currently estimated that it will cost Maine municipalities $1.5 billion to filter, test, and monitor the quality of surface drinking water supplies, as well as separate stormwater from wastewater. That means water and sewer rates will have to double, perhaps even quadruple, in order to finance the costly new treatment facilities mandated by the Clean Water Act and the Safe Drinking Water Act.

In Lewiston, the city is faced with spending $26 million, over the next 5 years, to meet federally enacted environmental mandates. That's on top of Lewiston's existing $30 million in public debt.

The city of Bangor is in the process of spending $22 million for a secondary treatment plant, which will help meet Federal mandates, without any Federal or State funding. In addition, Bangor has spent more than $9 million to rehabilitate its sewer system in order to meet Federal guidelines.

According to the Maine Municipal Association, the total combined cost of Federal mandates is roughly twice as much than is raised in property taxes by all of Maine's municipalities! Yet, while faced with these staggering costs, Maine's towns and cities are unable to get the Federal funding they need to meet these mandates.

In 1990, Maine was provided with only $17 million, including loans, from the Farmers Home Administration, the primary Federal source for funding water and sewer treatment projects. Maine's bill, though, is more than $1.5 billion.

In 1990, Maine voters approved a $9 million bond issue whose proceeds will help communities comply with Federal environmental mandates, but that money does not even cover 1 percent of their costs.

My legislation attacks this problem in a straightforward fashion. It bans the Federal Government from enacting any law that imposes an unfunded Federal mandate on State and local governments.

Mr. Speaker, I hope that all of my colleagues in the House will join me in supporting this measure. The time has come for the Federal Government to stop imposing unfunded mandates on municipal governments.

HEFLEY SPEAKS OUT AGAINST SADDAM

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. HEFLEY. The good news is that Kuwait has been liberated. The bad news is that Saddam Hussein, the one solely responsible for the region's destruction, heartache, and death, is still in power—and to our disdain—stronger than ever.

As we rejoice over our victory in the gulf and the homecoming of our troops, Saddam is reveling in his newfound respect. He's gained hero status as the one who stood up to the massive army of the United States, our allies, and the other Arab countries that supported our efforts and survived, power intact.

Contrary to what many of us would hope, there seems to be no sign that he's going to be overthrown any time soon.

Unfortunately, as long as Saddam Hussein remains in power, there's going to be trouble! Under his rule, the people of Iraq will continue to be oppressed.

Saddam's a liar, a cheat, and a murderer. He's used chemical weapons to destroy his own people, and he tortures and kills those who oppose him.

Now he's promising that before the year is out, he will hold free elections, institute sweeping democratic reforms, permit more freedom in the press, and write a new constitution.

Who does he think he's kidding?

If we ever hope to bring stability and peace to that region, we need to get rid of Saddam Hussein. We need to continue to impose economic sanctions, maintain the relief efforts of the allied coalition, and hope that Saddam is brought to justice for all the atrocities he has committed.

If we don't we're going to be sorry.

BEST WISHES TO THE FLORENCE DUPONT PLANT

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. TALLON. Mr. Speaker, on Thursday, May 16, the DuPont facility in Florence, SC, will be celebrating its 30th anniversary.

In the early 1950's, DuPont purchased 954 acres of land approximately 14 miles east of Florence, SC. In March 1959, construction began on the Florence Mylar Plant. The initial startup was May 1961, with 307 employees. Today, the Florence plant employs 719 full-time workers and 91 contractors, and has added Mylar production lines. In 1981, a Cronar production line was started up, and in 1983, Coal Fired Boiler facilities were installed.

This DuPont facility is an outstanding community citizen and civic contributor. Their investment in the Florence area includes a payroll of over $42 million, and an investment of more than $344 million. As the largest taxpayer in Florence County, this facility adds more than $1.4 million to the county tax rolls in property taxes and close to $400,000 in sales and use taxes.

The DuPont Florence Plant goes to great lengths to protect the environment and to encourage involvement of it's employees in various community activities such as the United Way, the Adopt-A-School program, the YMCA, Boy Scouts, and teacher association programs. As well, employees at this facility provided technical assistance to the Florence County landfill special task force and was the first major industry in the State to employ a full time school teacher to promote basic educational skills upgrading of its employees.

Safety at the DuPont Florence Plant is given the very highest priority. The prevention of injuries and safety related incidents is an important part of every job performed. Personal acceptance of responsibility on the part of each Florence Plant employee is a major emphasis to accomplish the plant's goal of zero injuries.

The Florence Plant has been extremely successful over the past 30 years in achieving a high level of safety performance. During this time, there have only been 5 job-related injuries which were serious enough to result in time lost from work. There have been no job-related fatalities at the Florence plant.

The two product lines produced at the Florence DuPont Plant are Mylar Polyester Film and Cronar Polyester Film. The primary uses of the Mylar Polyester Film include computer tapes, packaging, electric motor insulation, graphic arts, and video and audio tapes. The Cronar Polyester Film is used in medical x-ray films and a variety of typesetting processes.

Mr. Speaker, I regret that I will not be able to personally attend the anniversary celebration in Florence on Thursday, but I send my best wishes to the Florence DuPont Plant for continued prosperity.

A CONGRESSIONAL SALUTE TO DENNIS R. McCARBERY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding leader in Los Angeles County. On Saturday, May 18, 1991, Dennis McCarbery will be honored for his year of service as president of the Zonta Club of the South Bay Area. This occasion gives me the opportunity to express my deep appreciation for his many years of service to the entire South Bay community.

Mr. McCarbery is a native of Los Angeles. After receiving a bachelor's degree in journalism from California State University at Los Angeles, and a master's degree in administration from California State University at Dominguez Hills, he dedicated his time to the service of the citizens of the South Bay Area. He began his professional life as a young journalist covering the South Bay. Following his years as a journalist, Dennis served an 8-year term as public information officer for the county of Los Angeles Department of Beaches. In 1978 he moved on to become the executive director of the Redondo Beach Chamber of Commerce. After 3 years with the chamber of commerce, he served as special events director for the American-Pacific Group for 2 years. During 1989–90 he was membership services representative for the Southern California Association of Governments [SCAG]. Dennis is currently a legislative representative for WORLDPORT LA.

Dennis is a past president of the California State University at Dominguez Hills Alumni Association, South Bay Athletic Club, Southwest Press Association, and Palos Verdes Peninsula Jaycees. He is a member of numerous local organizations, and has coordinated countless community events.

Although all of Dennis' efforts have been worthy of recognition, none are more representative of his value to an organization than his appointment as president of the Zonta club of the South Bay Area. Prior to Dennis, this worldwide club, which was founded in 1919 as a professional women's service organization, had never had a male president in any of its charters. That this organization, which actively works to promote the status of women, would have the confidence in Dennis to make him the first male president is a tribute to his dedication.

On this special and most deserving occasion, my wife Lee, joins me in extending our heartfelt thanks and congratulations. we wish Dennis, his wife Lenna, and their three children, Cynthia, Michael, and Margaret, all the best in the years to come.

THE NATIVE AMERICAN PROGRAMS ACT OF 1974

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. GOODLING. Mr. Speaker, I rise today to introduce a bill to extend authorization of appropriations for the Native American Programs Act of 1974. This bill would allow the administration for native Americans to continue providing financial assistance for native American community projects, research, technical assistance, and training.

Social and economic underdevelopment of native American communities contribute to high unemployment, poor health, excessive high school dropout rates, and economic dependency. The programs authorized by this bill are designed specifically to break this cycle of dependency by encouraging economic and social development of American Indians, Alaskan Natives, native Hawaiians, and native American Pacific islanders.

The grant program financed by the act provides startup funds for native American-owned businesses in manufacturing, trade, retail, and agriculture. Development grants are awarded to improve native American housing management and to design tribal health-care systems. Funds are also provided to promote self-governance of programs formerly operated by Federal employees.

Programs like these promote self-sufficiency and strengthen the capacity of native American communities to address their long-term social, economic, and governance needs. I am pleased to introduce legislation to extend these programs and I encourage my colleagues to support this bill.

TRIBUTE TO REV. MSGR. VINCENT E. PUMA ON THE 40TH ANNIVERSARY OF HIS ORDINATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. ROE. Mr. Speaker, on Sunday, May 19, 1991, residents of my Eighth Congressional District and the State of New Jersey will join the friends of the Reverend Monsignor Vincent E. Puma in celebration of the 40th anniversary of his consecration into the sacrament of holy orders.

Mr. Speaker, the faith and devotion of our people in a full communion of understanding—ever caring and respecting the individual beliefs of our fellow man—has been the lifeline of the individual on to great achievements and purpose in pursuing the fulfillment of his or her dreams and ambitions. The exemplary leadership and outstanding efforts of our citizens—so important to our quality of life—are in the vanguard of the American dream and today we express our appreciation to Vincent E. Puma, whose esteemed dedication and unselfish devotion in promulgating spiritual guidance, goodwill, fellowship, and brotherhood in service to God have truly enriched our community, State, and Nation.

Monsignor Puma has maintained the highest standards of excellence throughout his lifetime and we are pleased to share the pride of his family and many, many friends in the distinguished achievements so unselfishly dedicated to the betterment of mankind. There is so much that can be said of the love, affection, and reverence with which Monsignor Puma is held by all who have had the good fortune to know him.

Mr. Speaker, we are so proud to have Monsignor Puma with us. He studied at Seton Hall Prep, graduating in June 1944. He entered St. Charles College in Catonsville, MD, graduating in December 1945. In 1946, he received his B.A. degree in philosophy from the St. Mary Seminary. He pursued his education with a vigor, earning a master of theology, with a minor in psychology in 1975 from Drew University, in Madison, NJ. In 1979, he continued his graduate studies at Seton Hall University, in South Orange, NJ, receiving an Ed.S degree.

Monsignor Puma shared his wealth of knowledge and thirst for learning with others. He was an instructor of theology from 1951 to 1955 at Pope Pius High School in Passaic, NJ. He brought his expertise to St. Mary's High School in Paterson, NJ, from 1955 to 1959. At the university level, he was a guest lecturer in pastoral-psychological problems, in 1975 and 1977, at Drew University in Madison, NJ.

Initially an associate pastor, he served at Sacred Heart Church in Clifton, NJ, from 1951 to 1954. Monsignor Puma has been pastor at four churches, founding Our Lady of the Rosary Church in Dover, NJ, serving as pastor from 1959 to 1963. From 1963 to 1971 he was pastor at Our Lady of Victories in Paterson, NJ. From 1971 to 1979, he was pastor at Saint Vincent Martyr, in Madison, NJ. From 1979 to 1981, he was pastor at Blessed Sacrament Church in Paterson, NJ.

Mr. Speaker, Monsignor Puma is an outstanding community leader and public servant, dedicated to serving the needs of others. He has been involved in a wide range of activities that through his efforts have benefited many. Among the many vital contributions he has made to his community, none is as important as the 1982 establishment of Eva's Kitchen, in Paterson, NJ. Eva's is literally a lifesaver for the inner-city needy, serving daily over 500 hot meals. It is the largest facility serving the poor in New Jersey, sheltering and rehabilitating 110 persons nightly.

In addition to this outstanding achievement, Monsignor Puma initiated a multilingual center in Paterson, NJ, designed as a Spanish social service center for the diocese of Paterson. He initiated the Inner City Committee for Action Day Camp and Housing Program, which constructed 300 homes for middle and lower income families.

Monsignor Puma has also been active in disaster relief efforts, particularly earthquake relief. He was the chairman of the Peruvian Earthquake Relief Committee, serving as local liaison between local social service agencies and Peruvian relief committee. He also served on the Italian Earthquake Board of Directors for Morris County, in 1976–1977.

Mr. Speaker, as Msgr. Vincent Puma celebrates the 40th anniversary of his ordination to

the priesthood, I know that you and all of our colleagues here in the Congress will want to join me in extending our warmest greetings and felicitations for the excellence of his service to his faith, our Nation, and all of mankind. We do indeed salute an esteemed pastor, exemplary clergyman, and great American—Rev. Msgr. Vincent Puma, of Wayne, NJ.

ADJUSTING THE 1990 CENSUS TO CORRECT FOR THE UNDERCOUNT

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. COLEMAN of Texas. Mr. Speaker, I rise today to introduce a bill requiring the Secretary of Commerce to identify and correct the undercounts which occurred in the 1990 census. The Secretary would be required to report the adjusted data by July 15, 1991 and use it as the official 1990 decennial census.

I commend the Census Bureau's efforts to count all of the 100 million households in the United States, however, undercounting is inevitable and should be corrected. The Census Bureau's own post enumeration survey of 165,000 households confirms that the 1990 census may have missed as many as 6.3 million people, or more than 2 percent of the population. I am especially concerned that not only were all people not counted, but that minorities and the disadvantaged were once again overlooked in greater proportions. However, what is perhaps most disturbing is that the 1990 census was less accurate than the 1980 count. The Census Bureau estimates that in 1980, the overall net undercount was 1.3 percent, compared to an estimated 2.5 percent undercount in 1990. As with the general population, the minority undercount was worse in 1990 than in 1980. The Census Bureau's survey found that 6.5 percent of the black population, or 2 million blacks, may not have been counted in 1990, compared to 4.7 percent in 1980. The survey also found that 5.8 percent of the Hispanic population, or 1.8 million Hispanics, may have been missed in 1990.

Because of the high disproportionate undercount rate for minorities, Texas and other States with large minority populations stand to lose millions in Federal aid, as well as adequate political representation. The Census Bureau estimates that it missed 547,000 Texans in 1980, including 253,000 Hispanics and 143,000 blacks. As a result, Texas lost $580 million in Federal funds due to this undercount and the 1990 undercount could cost the State as much as $1 billion in Federal aid. This does not serve the purpose of Federal assistance programs, which is to direct Federal funds to where they are needed the most.

Accurate population figures and other economic indicators are important because they are used by a number of Federal agencies to compute distribution formulas for Federal programs. According to a recent GAO study, 93 Federal formula programs involving funds totaling $24.5 billion used Census Bureau population data, in whole or in part to determine program eligibility or to distribute funds to State and local governments. These programs include highway construction funds, financial assistance for low-income families, health programs, rent subsidies for poor families, and community funds for disabled and elderly individuals. Those areas of the country in which there is an undercount are hurt by not receiving as large a share of Federal assistance and adequate politicial representation as they deserve.

I applaud the efforts of the Chairman, Thomas C. Sawyer, the Census Bureau, the Department of Commerce, and others to examine and improve census methodology to increase the accuracy of the next decennial census, however, the undercount which occurred in the 1990 census is significant and must be corrected. Those areas which were undercounted cannot and should not have to wait another 10 years in order to be adequately represented and to receive their fair share of Federal moneys. I urge you to join me in support of this important legislation which ensures that the Secretary of Commerce makes the right decision by adjusting the 1990 census to correct for the undercount.

CONTRA COSTA COUNTY HEAD START CELEBRATES 25TH ANNIVERSARY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. MILLER of California. Mr. Speaker, for the past 25 years, Head Start has been providing an invaluable service to millions of low-income children and their families. Today, nearly 500,000 low-income children are served by more than 1,200 grantees.

This year, the Contra Costa Head Start Program is celebrating its silver anniversary. This program is exemplary as 1 of only 14 programs nationwide with a family service center that offers comprehensive services to families in the areas of literacy, employment training, substance abuse, and health. Responsive to the community and families they serve, Contra Costa County Head Start has gone beyond its initial mandate to serve the youngest, most vulnerable children through a collaborative, interagency effort called the Living Free Project.

I applaud their long years of service to the community and offer congratulations on their 25th anniversary. I want to especially recognize the outstanding commitment of the Contra Costa County Head Start Parent Policy Council.

As Contra Costa has demonstrated, Head Start is not just a preschool program. In addition to providing the educational experiences that prepare the most vulnerable children for kindergarten, Head Start provides a wide range of social, nutritional, medical, and dental services. Head Start's success is due largely to parent involvement and the program's unique ability to provide support, employment, and job training.

The benefits of Head Start are well documented. Studies are virtually unanimous that children show significant immediate gains in cognitive ability, self-esteem, achievement, motivation, and social behavior as a result of Head Start participation. Children who attend Head Start are less likely to fail a grade in school or to be assigned to special education than children never enrolled in Head Start.

Given that only the most severely disadvantaged children currently can be served by the program—almost half of the families served nationwide have annual incomes below $6,000—the gains Head Start children receive are even more impressive.

As the Silver Ribbon Panel on Head Start established in its report honoring 25 years of success, Head Start has the potential for providing long-term opportunities for many more disadvantaged children. And it is a sound investment. The Select Committee on Children, Youth, and Families documented that every dollar invested in high quality preschool programs saves at least $6 in reduced special education, welfare assistance, and crime.

The Contra Costa County Head Start Program is part of my district's blue chip portfolio that is investing wisely and profitably in our children. I salute the success of the teachers, parents, and children and extend best wishes for many more valuable years of service by Head Start to the community.

BEST WISHES TO W. WALLACE AND RUTH BUXTON

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. MATSUI. Mr. Speaker, I rise to pay tribute to W. Wallace Buxton and Ruth Buxton, who today are celebrating their 50th wedding anniversary. In order to mark this joyous and noteworthy accomplishment, the Buxton's sons, Donald Martin, Kenneth Arthur, and Richard Bruce, have arranged for a family gathering on Sunday, May 12 at the Carmichael Baptist Church. The entire family, including the couple's six grandchildren; Donald, Kimberly, Lane, Gary, Karen, and James, and their three great grandchildren; Brandon, Hilary, and Tiffany, will be on hand to join in the festivities.

I would like to share with you a brief history of the Buxton family. Fifty years ago today, W. Wallace and Ruth were married in Philadelphia at the Belmont Avenue Baptist Church. Shortly after the wedding, the newlyweds moved to Baltimore where they were blessed with the births of their first three sons: William Wallace on December 27, 1941; Donald Martin on February 12, 1943; and Kenneth Arthur on August 1, 1944. While Ruth was caring for their sons at home, W. Wallace was working for Liberty Mutual Insurance. In 1949, W. Wallace decided to transfer to Philadelphia where the Buxton's fourth and final son, Richard Bruce, was born. In 1958, after 4 years in Pittsburgh, W. Wallace took a job with Aeroejet in Sacramento, a job he still holds today.

Mr. Speaker, I believe we could all learn something from the Buxton family and the values that have seen them through a half cen-

tury together. In honor of their 50th wedding anniversary, I ask my colleagues to join me in wishing W. Wallace and Ruth Buxton congratulations on this most impressive milestone and all the best in the coming years.

TRIBUTE TO EAST HILLS MIDDLE SCHOOL AND ORCHARD LAKE MIDDLE SCHOOL

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. BROOMFIELD. Mr. Speaker, with all this talk of how our education system has run amuck, it is easy to lose sight of the outstanding achievements of many schools across the Nation. While education reform certainly is needed, it is important to remember that a number of committed, hard working, "can-do" attitude individuals are providing quality education to students today.

I want to congratulate two middle schools in my district for receiving national recognition under the Department of Education's Blue Ribbon Schools Program. They are East Hills Middle School (Bloomfield Hills, MI) and Orchard Lake Middle School (West Bloomfield, MI). I commend Principals Donald Hillman and Esther Peterson, as well as the administrators, teachers, students and parents for their efforts and commitment to education.

Obtaining exemplary status is no easy task. High academic standards, student responsibility, parental and community involvement, teacher commitment and effective leadership are characteristics of exemplary schools like East Hills and Orchard Lake Middle Schools.

Unfortunately, today exemplary schools are the exception rather than the rule. But I am hopeful that the President and the Congress can work together to implement a meaningful education strategy that will make exemplary schools the rule rather than the exception.

A TRIBUTE TO THE MICHIGAN STATE SAFETY COMMISSION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. DINGELL. Mr. Speaker, I rise today to honor an organization of my home State that exemplifies the meaning of service.

The Michigan State Safety Commission, established on June 16, 1941, by Gov. Murray D. VanWagoner, was among the first of its kind in the Nation. By establishing regulations, promoting education, and conducting research activities, the commission has helped ensure the safety of Michigan's citizens.

Fifty years after its creation, the Michigan State Safety Commission remains committed to reducing traffic deaths and injuries, and the resulting economic costs in Michigan by promoting effective safety programs. The commission has lead the way for landmark legislation such as Michigan's mandatory safety belt law, the motorcycle safety helmet law, the child passenger safety law, the driver education law, and strict regulations on drunk driving.

On behalf of the citizens of Michigan and in celebration of its 50th birthday, I wish to thank the Michigan State Safety Commission for its hard work, dedication, and contributions.

Mr. Speaker, I ask the House of Representatives to join me today in honoring the Michigan State Safety Commission on the occasion of its 50th anniversary. The efforts of the commission deserve high praise as an example of how government can work to promote traffic safety and responsibility. May the next 50 years be just as successful.

CONGRATULATIONS TO LINDA MATHEWS, CONNECTICUT TEACHER OF THE YEAR

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Ms. DELAURO. Mr. Speaker, it is my distinct pleasure to congratulate Linda Mathews, a teacher at the Alma E. Pagels Elementary School in West Haven, CT, who was recently named Connecticut Teacher of the Year.

Ms. Mathews, a teacher for 8 years, has gained wide recognition for her innovative contributions to the field of elementary education. In April 1989, Ms. Mathews was featured in a Newsweek magazine article entitled, "Change From the Bottom Up." Ms. Mathews realizes that in order to attack the problem of increasing high school dropout rates, it is critical to gain a student's attention and interest at an early age. This philosophy is a distinct departure from traditional dropout prevention methods, which focus exclusively on junior high and high school students. Such innovation is a hallmark of Ms. Mathews' approach to education.

In her classes, Linda Mathews and her students engage in a collaborative effort in which each child is encouraged to help plan his or her activities, and to evaluate the success or failure of each school day. In this way, Linda keeps her students interested in school, and closely monitors their educational needs on a constant basis.

In addition to her creative general teaching philosophy, Linda Mathews is well known as an outstanding specialist in the field of mathematics education. She has participated in math seminars throughout the country, and recently joined a group of educators in the creation of a new math textbook called, "Math One, the Next Generation," which will be used in 31 cities in the United States.

Ms. Mathews is highly respected and admired by her peers, her principal, school superintendent, and most importantly, her students. She was named Connecticut Teacher of the Year by a diverse selection Committee, representing all of the major groups involved in Connecticut education. Chosen from among 100 well qualified nominees, Linda Mathews represents the highest values of the teaching profession, and embodies the type of innovative thinking that is needed to help the American education system grow and improve.

I am proud to commend Linda Mathews for her outstanding achievements, and look forward to the results of her continued contributions to our community and our children.

TRIBUTE TO YOUTH HAVEN IN NAPLES, FL

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. GOSS. Mr. Speaker, since 1972, some of southwest Florida's neediest have benefited from the compassion and hard work of approximately 500 volunteers at the Youth Haven Program in Naples. I am delighted that this worthwhile and inspiring organization has recently been designated as a daily point of light by President Bush. It is an honor well-deserved. Youth Haven embodies the intention behind President Bush's vision of a thousand points of light, which recognizes the difference that individuals and communities can make in improving the lives of others.

Youth Haven offers a home for abandoned and neglected children, from diverse economic, social, and racial backgrounds. Its volunteers provide much-needed counseling for victims of fetal addition syndrome, HIV infection, and sexual abuse. More than anything else, they show these young people, for whom much of life has been a struggle, that someone really does care about what happens to them.

In addition to offering support and compassion to those whose lives have already been touched by tragedy, Youth Haven volunteers are also working to reach out into the community to help disadvantaged children stay on the right track. They have taken the very positive, proactive step of adding an at risk day care program, providing a real option for parents with nowhere else to turn.

The only children's residential service in Collier County, Youth Haven offers programs that work to the people who really need the help. It is very encouraging that more than half of the children who spend time at the Youth Haven facility are able to return home, having acquired a sense of self-worth and courage to face the future with some hr.

I am extremely proud of th. initiative and dedication that Youth Haven volunteers have demonstrated—and the recognition they have earned from the White House is certainly a fitting tribute to their work. Congratulations to Youth Haven in Naples.

INTRODUCTION OF THE REAUTHORIZATION OF THE SCHOOL DROPOUT DEMONSTRATION ASSISTANCE ACT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. KILDEE. Mr. Speaker, today I am introducing, along with Mr. FORD, Mr. GOODLING, Mr. HAYES, and several other members of the

Subcommittee on Elementary, Secondary, and Vocational Education, legislation to extend the School Dropout Demonstration Assistance Act through fiscal year 1993.

The School Dropout Demonstration Assistance Act provides school districts and community-based organizations with financial assistance for dropout prevention and reentry demonstration programs. Funds can be used for a wide range of activities including identifying students who are at risk of dropping out of school, encouraging students to return to school, developing programs to address basic skills and other educational deficiencies, and training. The Flint School District's Dropout Intervention Program is an example of what this program means to hundreds of communities across the country. Two of the program components in Flint address self-esteem and study habits. At a recent hearing Kristal Thompson, a student in the Flint program, shared with the subcommittee what it has meant to her: "My attitude about myself and others wasn't very good. * * * It—the program—has taught me responsibility. My self-esteem has had a big boost. I know that I am not a failure any more. I try very hard to be the very best that I can be."

Kristal illustrates the kind of success that can result when dropout prevention funds are made available to schools. Failure can have a devastating effect in both human and economic terms. Every class of dropouts costs this country $240 billion in lost earnings and forgone taxes. This does not include other costs such as crime control, welfare, and health care. The School Dropout Demonstration Assistance Act is a modest, but important, step toward helping children stay in school and helping more students become success stories like Kristal. I urge my colleagues to join me in supporting this important legislation.

JEFFERSON COUNTY STUDENTS EXCEL

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. ERDREICH. Mr. Speaker, just 2 weeks ago I asked my colleagues to honor one of Jefferson County's outstanding teachers. Today, I am again proud to call your attention to Jefferson County's fine public schools.

On May 3, a team of eighth-grade students from Jefferson County captured first-place honors in a national math tournament held here in Washington, DC, displaying first-place mastery of algebra, geometry, and trigonometry. These outstanding young people—Mathew Crawford, Tim Momenee, Lee Dicks Clark, and Mark Erdberg—earned top honors in Mathcounts team competition. In the individual competition, Mathew Crawford took second place out of 254 students at the national competition in Washington and 400,000 students nationwide.

The dedication and discipline of these young people carried them through regional, State and national tournments. In a society where academic victories often take a back seat to athletic victories, we need to be reminded that our students are the ones who will keep this Nation competitive in the rapidly changing global marketplace of the 21st century.

I'd also like to take this opportunity to congratulate the teachers who worked tirelessly with the Mathcounts team. We all remember a special teacher whose guiding influence helped us reach for our dreams, and I'm sure the teachings of Cindy Breckenridge and Ann Friedman will manifest over and over again as these young people travel down the road to adulthood.

THE 150TH ANNIVERSARY OF FIRST BAPTIST CHURCH

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. KLECZKA. Mr. Speaker, on June 9, 1991, the First Baptist Church in West Allis, WI, celebrates the 150th anniversary of its founding. I congratulate the Reverend Jeffrey C. Wilkinson and the First Baptist Church family on this special milestone, and I am honored to join in the celebration of this distinguished occasion.

Located in Wisconsin's Fourth Congressional District, the First Baptist Church was founded as the Greenfield Baptist Church on June 2, 1841. During the 150 years which have followed, First Baptist has twice been relocated within the community. The first building, dedicated in 1869, was located at 83d Street and National Avenue. In 1883, the church was moved to 84th Street and Mitchell Street. In 1920, it was moved again, this time to its present location—just five blocks from the original site—at 78th Street and Lapham Street.

In its 150 years, the First Baptist Church has also undergone some remodeling. On June 2, 1929—the 88th anniversary of its founding—the church was enlarged and a new sanctuary was built. The educational wing was added on January 10, 1960.

The church with the cordial welcome, as it is known, is an integral part of its South Side community. It is a great source of spiritual guidance, comfort, and fellowship. It is the people of First Baptist who make the church special, and who successfully continue its reputation for being friendly, caring, and supportive.

First Baptist supports an array of mission opportunities on the local, national, and international level. Locally, it provides and serves meals to those in need through the St. Benedict Meal Program, and is involved in the Milwaukee Christian Center and Project Focal Point. The church also supports the work of its national and international denominational missionaries.

For 150 years, First Baptist Church has ministered to the local and global communities. The people of First Baptist deserve to be proud of the church's history. Many have benefited from its works, and are grateful. On the occasion commemorating the founding of First Baptist Church 150 years ago, I join many others in voicing appreciation for this marvelous gift to the community.

A TRIBUTE TO THE LATE COSMO DAMIANI

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 14, 1991

Mr. GILMAN. Mr. Speaker, I deeply regret the sad duty of informing our colleagues of the premature passing of an outstanding labor leader in the mid-Hudson Valley of New York—an individual whose dedication and expertise had been earmarked for national leadership until his tragic, unexpected death Sunday night.

Cosmo Damiani, who was only 53 years old, had served as business manager and president of the International Brotherhood of Electrical Workers Union, Local No. 363, since 1976. This local of the IBEW represented some 3,000 workers in Rockland County, NY, and several surrounding counties.

Cosmo, who was born on December 10, 1937, in Jersey City, NJ, moved with his parents to Rockland County at an early age. He was a graduate of Clarkstown High School, the University of Bridgeport, CT, and the Cornell School of Industrial and Labor Relations.

Cosmo Damiani served with the National Guard for 8 years. Since 1986, he had served as the Rockland County Commissioner of Labor. He was also vice president of the New York State Association of Electrical Workers; had formerly served as president of the Rockland County Building and Construction Trades Council, which his beloved father, the late Patrick Damiani, had founded, and was the IBEW representative of the Maritime Trades Department, AFL–CIO.

Cosmo Damiani, a philanthropic community activist, served on the advisory boards and boards of directors of such diverse charitable organizations as the United Way of Rockland County; the Good Samaritan Hospital Foundation for Better Health; the Nyack Hospital Foundation; the Rockland County Burn Unit; the Volunteer Counseling Service of Rockland; the Clarkstown League to Aid Students; the Rockland Heart Association; the Penguin Repertory Theater, and Dads Against Dangerous Drugs for Youth [DADDY].

The news of the fatal heart attack which claimed the life of Cosmo Damiani was shocking to all of us who had the honor of knowing and working with him. Cosmo was so full of life and vitality, that it is hard to believe he has left us so suddenly.

Cosmo, the son of Pat Damiani who was one of the legendary labor leaders in the history of our mid-Hudson Valley, was blessed with a lifetime of preparation for his role as a labor leader. He filled Pat's shoes admirably. Cosmo was a dynamic labor leader, who fully understood the issues which face the working men and women in our area. He never hesitated to contact me and our other legislators to let us know just how pending legislation would impact the workers in our districts.

Cosmo had an intuitive grasp of the legislative process. He fully understood what the

needs and the aspirations of his workers were because he shared them.

Cosmo will long be remembered as a big-hearted humanitarian, who devoted a major portion of his life to philanthropic causes. Many of our region's charitable organizations will long remember Cosmo's generous, significant contributions. His passing leaves a void in many places.

Just a few of the many honors and awards bestowed upon Cosmo Damiani are: the State of Israel Bond's Labor Medal and Silver Labor Award in 1989 and the Israel Freedom Award in 1986; the Rockland County Distinguished Service Award in 1989; Yeshiva University's Community Service Award in 1985; The Harry VanArdsdale Jr. Memorial Community Service Award; the Rockland Catholic Youth Organization Man of the Year Award in 1988; the Rockland County Policemen's Benevolent Man of the Year; and the Boys Town of Italy's Man of the Year in 1986. Cosmo also devoted his valuable time to the Boy Scouts, the Little League, the United Way, and numerous other community organizations.

I especially remember Cosmo Damiani's dedication to memorializing the Holocaust. He understood that atrocities against any people are atrocities against all of mankind, and did not want any of us to forget the inhumanity that mankind is capable of.

I was with Cosmo's wife, Arlene, at our citizens brunch just this past Saturday, where we had the opportunity to discuss Cosmo's future plans for his union and his candidacy for the office of International Vice President of the IBEW. It is hard to believe that Cosmo was taken from us so suddenly and at such a young age.

I invite my colleagues to join me in extending our condolences to Cosmo's widow, Arlene and to their son Patrick, an assistant District Attorney for Rockland County; to their daughters, Michelle and Alicia, both of whom live in New City, NY; to Cosmo's mother, who also lives in New City; to Cosmo's brothers Pat and Robert; and to his sisters Ann and Geraldine.

Mr. Speaker, no words can fully express the loss felt by the many loved ones and admirers that Cosmo has left behind. It is hoped that the family and friends of Cosmo are some way consoled that many of us share their loss.