

HOUSE OF REPRESENTATIVES—Friday, May 17, 1991

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 16, 1991.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on Friday, May 17, 1991.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Rev. Charles Mallon, permanent deacon, Holy Family Church, Mitchellville, MD:

Vindicate me, O Lord, for I have walked in my integrity, and have trusted in the Lord without wavering. Prove me, O Lord, and try me; test my heart and mind. For thy steadfast love is before my eyes, and I walk in faithfulness to thee.— Psalm 26: 1-3.

Father, scripture tells us that Your thoughts are not man's thoughts and Your ways are not man's ways. It is precisely because of this sinful condition that this legislative body must codify man's interests.

Father we ask for a better understanding of Your thoughts and Your ways. And we ask this through the intercession of Jesus Christ, who lives and reigns with You, now and forever, Amen.

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. The Pledge of Allegiance will be led by the distinguished gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON 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. 232. An act to amend title 38, United States Code, with respect to veterans programs for housing and memorial affairs, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1083. An act to extend Public Law 100-582.

The message also announced that, pursuant to section 276d-276g, title 22, of the United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. GRASSLEY and Mr. MURKOWSKI, as members of the Senate delegation to the Canada-United States Interparliamentary Group during the 1st Session of the 102d Congress, to be held in Kananaskis, Alberta, Canada, May 23-27, 1991.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4, rule I, the Speaker signed the following enrolled bill on Thursday, May 16, 1991:

S. 248. An act 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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2100, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1992 AND 1993

Mr. BEILENSEN, from the Committee on Rules, submitted a privileged report (Rept. No. 102-68) on the resolution (H. Res. 156) providing for the consideration of the bill (H.R. 2100) 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, which was referred to the House Calendar and ordered to be printed.

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 Mr. BEILENSEN) to revise and extend their remarks and include therein extraneous material:)

Mr. KLECZKA, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at his own request) and to include extraneous matter:)

Mr. SOLOMON.

(The following Members (at the request of Mr. BEILENSEN) and to include extraneous matter:)

Mr. BRUCE.

Mr. TORRES.

Mrs. BOXER.

Mr. LANTOS.

Mr. CONYERS.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1083. An act to extend Public Law 100-582; to the Committee on Energy and Commerce.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 248. An act 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.

ADJOURNMENT

Mr. BEILENSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 9 minutes a.m.), under its previous order, the House adjourned until Monday, May 20, 1991, at 12 noon.

□ 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.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1305. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of establishing standards and specifications for agricultural products; to the Committee on Agriculture.

1306. A letter from the Assistant Secretary (Production and Logistics), Department of Defense, transmitting a study on waste recycling management at DOD facilities, pursuant to Public Law 101-189, section 361(c) (103 Stat. 1429); to the Committee on Armed Services.

1307. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report on its operations for fiscal year 1990, pursuant to 12 U.S.C. 635g(a); to the Committee on Banking, Finance and Urban Affairs.

1308. A letter from the Chairman, National Labor Relations Board, transmitting the Board's 54th annual report, pursuant to 29 U.S.C. 154(c); to the Committee on Education and Labor.

1309. A letter from the Assistant Secretary for Legislative Affairs, Department of Defense, transmitting notification of a proposed license for the export of major defense equipment sold commercially to the Republic of Korea (Transmittal No. MC-31-91), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1310. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original reports of political contributions by Morris D. Busby, of Virginia, and Johnnie Carson, of Illinois, Ambassadors-designate and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1311. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of original reports of political contributions by J. Stapleton Roy, of Pennsylvania, Ambassador Extraordinary and Plenipotentiary-designate to the People's Republic of China and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1312. A letter from the Director, Office of Management and Budget, transmitting a pay-as-you-go status report as of May 13, 1991; to the Committee on Government Operations.

1313. A letter from the Director, Office of Management and Budget, transmitting a report on activities under the Freedom of Information Act during calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1314. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting 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.

1315. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation 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.

1316. A letter from the Director, Office of Environmental Restoration and Waste Management, Department of Energy, transmit-

ting a report on the safety measures for waste tanks at Hanford Nuclear Reservation, pursuant to Public Law 101-510, section 3137(d) (104 Stat. 1834); jointly, to the Committees on Armed Services and Energy and Commerce.

1317. A letter from the Director, Office of Management and Budget, transmitting the third report on U.S. costs in the Persian Gulf conflict and foreign contributions to offset such costs, pursuant to Public Law 102-25, section 401 (105 Stat. 99); jointly, to the Committees on Armed Services and Foreign Affairs.

1318. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Natural Gas Pipeline Safety Act of 1968, as amended, and the Hazardous Liquid Pipeline Safety Act of 1979, as amended, to authorize appropriations for fiscal years 1992 and 1993, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

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. BROOKS: Committee on the Judiciary.
H.R. 1. A bill to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes (Rept. 102-40, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Mr. BONIOR: Committee on Rules. House Resolution 156, Resolution providing for the consideration of H.R. 2100, 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 (Rept. 102-68). Referred to the House Calendar.

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 Mrs. BOXER;
H.R. 2376. A bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from duty assignments that require the separation of the members from children under the age of 13; to the Committee on Armed Services.

By Mrs. BOXER (for herself and Ms. PELOSI):

H.R. 2377. A bill to amend title 5, United States Code, to provide civilian employees of the Department of Defense who are separated as a result of a base closure involving a transfer of the base to another Federal agency a hiring preference for Federal job openings at the same location, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Education and Labor.

By Mr. BRUCE (for himself, Mr. ROYBAL, Mr. BRYANT, Mr. ANNUNZIO, Mr. EVANS, Mr. POSHARD, and Mr. DURBIN):

H.R. 2378. A bill to amend title XIX of the Social Security Act to establish Federal standards for long-term care insurance poli-

cies; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H.R. 2379. A bill to provide for the appointment by the President, by and with the advice and consent of the Senate, of certain officials of the Central Intelligence Agency; to the Committee on Intelligence (Permanent Select).

By Mr. DORGAN of North Dakota:

H.R. 2380. A bill to authorize States to impose fees and regulate certain solid waste in interstate commerce; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts:

H.R. 2381. A bill to deny the People's Republic of China most-favored-nation trade treatment; to the Committee on Ways and Means.

By Mr. GUARINI:

H.R. 2382. A bill to provide a private cause of action for the recovery of damages for economic loss caused by the dumping of foreign merchandise into U.S. markets, and for other purposes; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. HEFLEY:

H.R. 2383. A bill to authorize the National Park Service to prepare a plan for the preservation and interpretation of significant sites and resources associated with the development of America's space program; to the Committee on Interior and Insular Affairs.

By Mr. LEACH:

H.R. 2384. A bill to direct the Secretary of the Interior to convey the Fairport National Fish Hatchery to the State of Iowa; to the Committee on Merchant Marine and Fisheries.

By Mr. LEACH (for himself, Mr. BROOMFIELD, Mr. MOORHEAD, Mr. EMERSON, Mr. SOLOMON, and Mr. SMITH of Iowa):

H.R. 2385. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the Pledge of Allegiance to the Flag; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEVINE of California (for himself and Mr. WOLF):

H.R. 2386. A bill to amend section 721 of the Defense Production Act of 1950 to clarify and expand the authorities of the President concerning mergers, acquisitions, and takeovers by or with foreign persons, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, and Foreign Affairs.

By Mr. STUDDS (for himself and Mr. YOUNG of Alaska):

H.R. 2387. A bill to authorize appropriations for certain programs for the conservation of striped bass, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FROST:

H. Con. Res. 154. Concurrent Resolution expressing the sense of Congress that the Southwest Stars and Stripes Salute, scheduled to be held from July 19 through July 21, 1991, be recognized as a national event; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. FAWELL introduced a bill (H.R. 2388) to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Star-*

light VIII; which was referred 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. 1: Mr. BOEHLERT, Mr. BONIOR, Mr. EVANS, Mr. GILMAN, Mr. ROEMER, and Mr. WISE.
- H.R. 20: Mr. KLUG, Mr. PETERSON of Florida, Mr. EPHY, Mr. DIXON, Mr. MOODY, and Mr. BROWDER.
- H.R. 68: Mr. CRANE, Mr. ROGERS, Mr. SCHEUER, and Mr. HAYES of Louisiana.
- H.R. 602: Mr. CLINGER.

- H.R. 645: Mr. FALEOMAVAEGA, Mr. BROWN, Mr. ACKERMAN, and Mr. HARRIS.
- H.R. 709: Mr. LANCASTER, Mr. LAFALCE, and Mr. EMERSON.
- H.R. 722: Mr. RANGEL.
- H.R. 723: Mr. RANGEL.
- H.R. 860: Mr. QUILLEN, Mr. FAZIO, Mr. ENGEL, Mrs. LOWEY of New York, and Mr. COLEMAN of Texas.
- H.R. 870: Mrs. JOHNSON of Connecticut and Mr. DEFAZIO.
- H.R. 873: Mrs. JOHNSON of Connecticut.
- H.R. 888: Mr. PARKER, Mr. LANCASTER, Mr. PAYNE of New Jersey, and Mr. PAYNE of Virginia.
- H.R. 999: Mr. JACOBS.
- H.R. 1150: Mr. PICKETT.
- H.R. 1306: Mr. DIXON, Mr. ENGEL, and Mr. RANGEL.

- H.R. 1774: Mr. FAZIO, Mr. MAVROULES, and Mr. HOCHBRUECKNER.
- H.R. 1782: Mr. GEPHARDT, Mr. FASCELL, Mr. TRAFICANT, Mr. THORNTON, Mr. PARKER, and Mr. SAVAGE.
- H.R. 2049: Mr. FAWELL, Mr. RITTER, and Mr. BLILEY.
- H.R. 2235: Mr. LIGHTFOOT.
- H.R. 2246: Mr. PENNY, Mrs. LLOYD, and Mr. COLEMAN of Texas.
- H.J. Res. 81: Mr. THOMAS of California and Mr. OXLEY.
- H.J. Res. 219: Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LEWIS of Florida, Mr. LAGOMARSINO, and Mr. ZIMMER.
- H. Con. Res. 133: Mrs. LOWEY of New York.
- H. Con. Res. 135: Ms. LONG, Mr. GORDON, Mr. MCNULTY, Mr. HORTON, and Mr. RANGEL.
- H. Con. Res. 136: Mr. CHAPMAN.

SENATE—Friday, May 17, 1991

(Legislative day of Thursday, April 25, 1991)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada.

The PRESIDING OFFICER. The Senate will be led in prayer this morning by our guest chaplain, the Reverend Hampton Joel Rector, staff assistant, office of Senator ROBERT C. BYRD.

PRAYER

The guest chaplain, the Reverend Hampton Joel Rector, staff assistant, office of Senator ROBERT C. BYRD, offered the following prayer:

Let us pray:

Almighty God, Our Heavenly Father, source of justice and vision:

Meet us as we turn our minds and hearts toward Thee this day.

Grant us a love of Thy justice, that we may write laws that reflect Thy will; and grant us reverence for the right, that we may promote good and hinder evil, foster peace and resist chaos, and sow righteousness throughout the land.

Grant us also to share Thy vision, that we may see ourselves as we are seen by Thee, and that we may guide this Nation toward its destiny in Thee.

And we offer this day a special prayer for Thy good servant and faithful friend, our Senate Chaplain, Dr. Richard Halverson. Be present in his life to give him courage and hope, and to heal him quickly, that he might return to his daily walk and witness among us, and continue to touch us with Thy love and compassion.

For these things we ask in the name Jesus Christ. 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 17, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, I have earlier this week publicly, on several occasions, described the anticipated schedule for the remainder of this legislative period, and I would like to repeat it briefly now for the information of Senators so that Senators may plan their schedules accordingly for next week.

We are now on the campaign finance reform bill. This is the third day of consideration, but they have been not complete days because of the occurrence of other events.

The pending measure is the Graham amendment which I hope can be debated and disposed of today. And then I hope we can at least begin debate on one or more amendments today. Whether or not other amendments can be disposed of I am not aware at the moment. That will depend upon the presence of Senators and the question of the length of debate for any such amendments. However, it is my hope that we can complete action on this measure sometime next week.

Prior to the recess it is imperative that the Senate complete action on the budget resolution conference report which will be available for Senate action early next week, as well as the fast-track trade authority which the Finance Committee reported unfavorably on a resolution of disapproval, thereby, in effect, recommending favorable action on fast track. That will be available for action next week.

So Senators should be aware that prior to going out for the Memorial Day recess we will have to complete action on the pending measure, campaign finance reform, the budget resolution conference report, and the fast-track authority.

I do not at this time anticipate any difficulty in achieving those objectives. The latter two, the budget resolution conference report and the fast-track authority, have specific time limitations on them. And so I think we can do it. But Senators should be aware, we will achieve those objectives before we go out on recess for the Memorial Day holiday.

Senators should be aware that votes are possible throughout the days and evenings from Tuesday through Friday

of next week until such time as we achieve the objectives I have outlined. There will not be any rollcall votes on Monday but I hope there will be a schedule of amendments which will be debated and with the votes to be scheduled later in the week. But Tuesday, Wednesday, Thursday, and Friday, until we finish these measures, will be days on which Senators should be prepared for votes at any time during the day or evening.

Mr. President, I will yield the floor shortly. I understand there will now be a period of morning business until 10:30 and then the Senate will proceed to consideration of the Graham amendment.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for a period of time not to exceed 5 minutes each.

The Senator from Connecticut [Mr. DODD] is recognized.

FAST-TRACK AUTHORITY FOR THE NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. DODD. Mr. President, there is a very broad consensus that a North American free-trade arrangement between Mexico, Canada, and the United States is not only necessary, it is inevitable in light of the regional consolidation under way in Europe and Asia. I believe that such an agreement would serve the long-term interests of both the United States and Mexico.

There is also a shared belief that the North American Free-Trade Agreement has a special importance because it will serve as the model for a larger, hemisphere wide trading arrangement that will some day extend from the Arctic to Patagonia. I strongly support efforts to develop both a North American and eventually a Western Hemisphere free-trading bloc.

Under the leadership of President Salinas of Mexico, enormous transformation has taken place in that country. Competitive, private enterprises have replaced inefficient state-owned entities. Mexico's doors have

been thrown open to foreign competition. Tariff rates are down and vast segments of Mexico's economy are now open to foreign participation and foreign capital. As a result, United States exports to Mexico have nearly doubled in the last few years.

Logically, the culmination of the growth in commerce between the United States and Mexico and the liberalization process should be the establishment of a more formal free-trade arrangement. That is clearly the conclusion that Presidents Bush and Salinas came to last June when they jointly announced their intention to pursue free-trade negotiations. I applaud Presidents Bush and Salinas for their vision. Their announcement represented an historic development in United States-Mexican relations.

But as is often the case, strong support for the effort does not necessarily translate into strong support for the means. A number of different points of view have been expressed here in the United States, and as well in Mexico, concerning the scope and timing of negotiations for a free-trade arrangement. And, many of these points should be considered during the negotiations. The unique conditions under which this agreement will be reached and the significance of such an arrangement make it absolutely necessary that the final product be a good product, and a product that can stand the test of time.

For this reason, I am concerned about the administration's preoccupation with the fast-track issue. It is distracting us from the more crucial matters at hand. It is argued that without fast track a North American free-trade agreement is not possible. I disagree. It is argued that without fast track Mexico will refuse to negotiate. I disagree. The fast-track debate has been framed in such a way that a vote against it appears to be a vote against free trade. And, I strongly disagree with that.

When the Congress first made the decision to give the President fast-track authority, it stemmed from the complexity of the GATT negotiations—negotiations that included over 100 nations. Although fast-track authority was also used with Canada and Israel, I believe, frankly, those agreements would have been reached with or without such authority. And I believe that a free-trade agreement with Mexico is possible with or without fast-track authority.

For this reason, I intend to support the efforts of our administration to negotiate a free-trade agreement, but I will vote against giving the President fast-track authority. I see no reason why the U.S. Congress should not be involved in a process of such great significance to the future of this Nation and the hemisphere.

Mr. President, I was elected, first and foremost, to represent the interests of

my constituents in Connecticut and approval of fast track will prevent me from doing just that, to the fullest extent possible. Connecticut has lost more jobs in the last 24 months—66,000 jobs—than it has lost in previous recessions since 1960. Today, almost 6 percent of Connecticut workers are unemployed—as many as 11 percent of workers are unemployed in towns once known for their strong industrial base. Part of the high unemployment rate reflects the downturn in the economy, that is for sure. However, thousands of State jobs have been lost over the last decade as U.S. companies have moved plants out of the State or out of our Nation. At least half a dozen companies have closed Connecticut plants to move to Mexico. For these reasons, working men and women and businesses in my State have some very real concerns about the free-trade negotiations that I believe should be discussed.

If fast-track authority is approved, my only option will be to vote for or against the free-trade agreement. This is certainly not standard operating procedure for most deliberations in this Chamber.

For those of us who would like to see a free-trade agreement, it puts us in a terrible position. Fast track would prevent us from looking out for the interests and concerns of working men and women in our States and it would prevent us from contributing to the development of an agreement that will work, other than through the consultative process.

The issues that have been raised most often in connection with the proposed trade negotiations have been something other than those articulated by Presidents Bush and Salinas last June. There are questions about jobs, questions about safety and health standards in the workplace, questions about child labor practices, and questions about the environment. Mr. President, while these are not traditional trade issues, they are very relevant to the United States-Mexican talks.

The economies of the two nations are vastly different. Wages alone in the United States are 10 times what they are in Mexico. Where we used to believe that higher productivity capabilities could make the U.S. industries competitive with developing countries, this is no longer the case, according to a report released by the Economic Policy Institute, authored by Walter Russell Mead. Technology changes increasingly make it very possible for workers in low-wage developing nations to produce items at very competitive levels of productivity.

Tens of thousands of hardworking Americans have already lost their jobs as U.S. companies have moved their production south of the border. Today, there are over 1,800 United States plants employing close to 500,000 work-

ers in Mexico. These are jobs no longer available to workers in the United States. Joblessness is a reality for millions of Americans and we cannot afford to minimize the trade issues that may have a real impact on employment opportunities in this Nation.

Unfortunately, I am not convinced that the President values the significance of these issues. I know they are listening to us, Mr. President, but I am not sure they are as interested in those questions as many of us are in this Chamber.

The President's report of May 1 identified the issues but proposed no real solutions. The report emphasized long-term job creation but did not address the expected short-term job losses in U.S. manufacturing. The administration cited reports that forecast long-term job growth, but did not tell us what kind of jobs those will be nor how much will they pay.

Earlier this year, the administration recommended zero funding for the Trade Adjustment Assistance Program, while tens of thousands of workers are losing their jobs to lower wage workers in developing nations. How are we then to believe the President when he promises to fund Retraining and Adjustment Assistance Programs for workers displaced as a result of a free-trade agreement with Mexico?

In his report, the President referred to the strong Mexican labor laws, but failed to mention that they only cover 3 percent of the Mexican work force and are also poorly enforced. Moreover, the memorandum of understanding, which the administration hoped would allay some of our concerns about working conditions, wages, and the environment, is merely an agreement by the two nations to communicate and share information.

The President also talked about job creation as a result of the expanded export market in Mexico. However, today only 10 percent of the Mexican population has the income sufficient to purchase goods manufactured in the United States. It will be many years before the benefits of free trade will raise the income levels in Mexico high enough to afford United States goods. Until then, Mr. President, I believe we need to be concerned about the men and women who will lose their jobs in this Nation.

Mr. President, United States and Mexico negotiators are going to have to come to terms with these nontrade matters if they expect to produce an agreement that will have the support of the United States and Mexican Congresses. It seems to me that the easiest way to get that kind of agreement is to address these concerns at the very outset of the negotiations.

It will not only be important this agreement satisfy the concerns of the Congress—the Senate and the House—it must also satisfy the concerns of the American people. And if this agree-

ment is to serve as a model for the rest of this hemisphere, it will have to be one that enjoys broad base support in this country. It will have to be done well.

While these issues I mentioned—joblessness, environment, safe working conditions, and child labor laws—do not necessarily belong in a trade agreement, our failure to address those questions, in my view, will jeopardize not only this agreement but will jeopardize all future agreements for this hemisphere. They must be addressed. The only way I know with any certainty they will be included and allow Members to insist they be included is to allow this negotiation to go forward and the agreement to be subject to the normal treatment of treaties in the U.S. Senate.

So, Mr. President, it is with some sense of regret I cannot support the fast-track approach to this bilateral negotiation. I have the deepest respect for President Salinas. I have a great affection for Mexico and the Mexican people, which I think I have evidenced in this Chamber many times over the years. I have great respect for what is occurring there.

But I am watching jobs being lost in my State and my region. We lost 240,000 jobs in New England in the last 2 years. That represents 20 percent of all the unemployment in the United States, while we represent less than 4 percent of the population.

So, Mr. President, I cannot sit idly by and run the risk of having such an agreement actually cause even further job erosion in my State. Mr. President, we are a State that depends tremendously on foreign trade, but I also insist we also protect those basic issues that affect working men and women, affect the environment, affect working conditions, and the like.

Mr. President, my hope is those issues will be addressed and I will be able to take the floor in the coming months and be able to stand up and proudly support a free-trade agreement with Mexico and look forward to free-trade agreements that will expand the opportunities for American workers and for economic opportunities in the Americas.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. DODD. 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. HOLLINGS. 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.

A FAST FAST TRACK

Mr. HOLLINGS. Mr. President, next week we will vote on whether to continue the fast-track procedure. I have introduced a resolution disapproving the continuation of this fast-track procedure. It has been reported out unfavorably by the Finance Committee. It will be taken up next week on the floor. You will have 10 hours to debate it. It will be real fast fast track. The thing about it is on the vote on the fast track, they put you on a fast track. The idea is to ensure that this most deliberative body will act as nondeliberatively as possible.

I recall today Jefferson's return from his duties in France, when he asked President Washington why he was agreeing to a bicameral legislative branch, two Houses of Congress. Washington, at Mount Vernon, turned to him and said "Why did you pour your coffee into the saucer?" And Jefferson replied, "To cool it." Washington said, "That's exactly the purpose to be served by the upper body of Congress, to act as a cooling saucer for the heat and passion of a popular body working its will over time." And as a result, we became known as the world's most deliberative body up until now.

In contrast, today we have instant coffee, and we have instant divorce, and we are going to have instant government, government according to the will of the wheelers and dealers. The fact is that the high-priced wheelers and dealers have all been retained by the proponents of fast track. Mexico has hired 11 law firms. Lord knows how many the Japanese have. Pat Choate reports that the Japanese retain 100 law firms in Washington at a cost of \$113 million. So it is like soeey, pig; all come.

And afterward, everybody is going to crowd down there to Mexico, where they have a cesspool of environmental nonregulation. The best of the best—General Motors, GE, and all of the rest—are operating now in Mexico on the fringe, dumping toxic waste, ignoring safety, and so on because those things run up the cost of product. And, of course, there is the imperative of international competition.

We politicians, you see, have learned some things with regard to international competition. To get ahead of the curve and ahead of your competitor, what you do is you locate in Mexico. And so they are talking about boosting American exports if we can get this Mexico free-trade agreement. But they have not waited for the free-trade agreement to boost exports. Right now they are exporting entire American industries to low-wage havens abroad.

As Governor, I used to carpetbag industries in Illinois. I have been to Chicago many a time. That was the first time I learned that Chicago was 50 miles across. I said, "Take me to Don-

nelly Printing." Ye gads, I never could pay the taxi bill, hardly, as a poor Governor. But we got Donnelly Printing to relocate in South Carolina.

Now, we have retained them in Spartanburg, but Cummins Engine—and I could list them all—there is many a wonderful industry that called and said, "Senator, we have had a wonderful experience in your State, but now we have to move to Mexico: General Motors, GE, go right on down the list.

So they are exporting all of industry to Mexico because there are drastically lower costs of production there. They do not have to put up with these U.S. Senators with all of their environmental concerns and health concerns and safety concerns and pension concerns and housing concerns, oh, no. No cost at all. Just spew the pollution out, give workers \$1 an hour, and let 'er rip.

Well, our friend, Joan Claybrook, of Public Citizen, touched on this looming environmental disaster in this morning's Post. Mr. President, we have lost our willingness to sacrifice. I felt bad over the past couple of weeks at college graduation ceremonies. I watch them come across those stages, and they have worked hard, hold down jobs, their families worked hard; they are all out there, proud and smartly dressed; they have sacrificed, and we politicians are running around up on those stages giving pontificating speeches. We say: You got your B.A., and the rest of the alphabet, and you have to come out. It is a changing world, and all of that nonsense.

But, let us be honest. It is the graduates who should be giving speeches to us politicians. They ought to give us a talk and tell us, for gosh sakes, what sacrifice and discipline are all about. It is these graduates who can tell us not about new ideas but about old ideals of hard work and sacrifice. We have had moments of wisdom and sacrifice in this body, and we have gotten some pretty good environmental laws. Yet, as Joan Claybrook points out in this particular article, these achievements are now threatened by the terms of these hastily considered trade agreements. Fast-track consideration of these agreements will put this country on a fast-track backward on environmental concerns.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. The Chair informs the Senator that, under the previous order, morning business was to conclude at 10:30.

Mr. HOLLINGS. I ask unanimous consent that my distinguished colleague, who has been so patient, the distinguished Senator from Illinois, be able to proceed as if in morning business for 5 minutes.

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

Mr. HOLLINGS. I ask unanimous consent Ms. Claybrook's article in the Washington Post be printed in the RECORD.

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

FAST TRACK CAN BE HAZARDOUS TO YOUR HEALTH

(By Joan Claybrook)

The most important consumer protection vote of the year is coming before Congress—and it isn't even a bill commonly thought to affect consumer rights. But if lawmakers fail to vote by June 1 to stop the "fast track" procedure for the proposed U.S.-Mexico trade pact and the worldwide General Agreement on Tariffs and Trade (GATT), broad stretches of U.S. health, safety and environmental laws will be threatened by challenges from foreign countries under new trade rules. What is at stake is the U.S. national sovereignty to enforce our lifesaving health, safety, environmental and labor standards—nothing short of a battle over deregulation-from-abroad (despite The Post's avowals to the contrary [editorial, May 5]).

Fast track is an obscure, anti-democratic procedure that concentrates control over trade policy in the executive branch, allowing Congress just an up-or-down vote on complete trade agreements, with no amendments permitted. And Congress has only 90 days after the president delivers a completed agreement to consider and analyze it. The last draft of GATT contained over 400 single-space pages; the enabling legislation will stretch to 3,000 pages.

How could fast track hurt consumers. It eliminates the potential for congressional oversight and thus allows the administration to hook deregulatory measures already rejected by Congress to legitimate trade measures and then to ram the whole package through Congress.

These days, trade agreements don't just involve tariffs but revolve around so-called "non-tariff trade barriers." Depending on their wording, domestic safety and environment standards can be challenged as trade barriers by foreign countries that trade with the United States. Indeed, the Bush administration strongly supports "harmonization," a euphemism for the worldwide standardization of such regulations—usually toward a least common international denominator. Since we have some of the highest standards in the world, U.S. regulations would be forced down by such harmonization.

Consider the U.S.-Canada free trade pact, enacted in 1988 with little congressional scrutiny under a "fast track." The Canadian government has challenged our ban on cancer-causing asbestos as a barrier to trade. If the court rules in Canada's favor in this case, the United States would have to open its borders to the deadly material. U.S. companies have similarly challenged Canadian reforestation and clean air measures as trade barriers. And the deregulation-minded U.S. Department of Agriculture has used the agreement to virtually eliminate inspection of meat at the border, allowing in caravans of contaminated beef. A similar laxity along the Mexican border could have alarming consequences.

The 100-nation GATT could make U.S.-Canada look positively benign. For years, the Reagan and Bush administrations have sought to repeal the "Delaney Clause," which bans cancer-causing food additives. Congress has refused. Now the latest draft of GATT would subject domestic food safety

laws such as the Delaney Clause to the weaker rules promulgated by the Codex Alimentarius, a Rome-based panel of scientists. Under Codex standards, for example, fruits and vegetables can be slathered with chemicals such as DDT, alar, aldrin and dieldrin at levels far above those allowed by our laws. Codex, for example, allows 50 times more DDT residue on foods than the United States does. Unlike American courts or agencies, the Codex panel meets and decides cases in secret, excluding any participation by the citizens who will be forced to suffer the consequences.

The administration argues that fast track is needed to pass intricate trade pacts, negotiated among dozens of nations. In fact, during the 16 years since fast track was initiated by President Nixon, Congress has approved 89 multilateral agreements on complex and controversial topics, including arms control, taxes, trade and the environment—all under the normal "democracy track." Only three agreements have ever been approved by Congress under fast track.

Fast track lets President Bush achieve at the negotiating table in Geneva or Mexico City what he and President Reagan could never accomplish on Capitol Hill. Bush's recent letter to Congress does not address the specific concerns of most environmentalists and consumer advocates about the Mexico pact and utterly ignores GATT. Congress should do its job, refuse to extend fast-track authority and take the responsibility to protect the health, safety and environmental laws that it has worked for so long to pass.

Mr. DIXON. Mr. President, my friend, the distinguished Senator from South Carolina, has made some very excellent remarks this morning that call our attention to the principal issues involved in the question of a Mexican treaty.

Mr. President, I say to the distinguished manager that my remarks will be on the campaign finance reform bill but are not directed to the amendment under consideration this morning.

CAMPAIGN FINANCE REFORM

Mr. DIXON. Mr. President, I rise today to express my sincere hope that this Congress will act on campaign finance reform legislation with bipartisan support. As we renew our debate on this issue, one fact we can all agree on is that the drastically escalating cost of elections demonstrates our campaign financing laws are in shambles and need substantial improvement.

As I have stated in the past, we have reached the point where entirely too much money is being spent on political campaigns, and we must set limits on what candidates can spend for congressional office. Such soaring costs have forced all Members of Congress to devote far too much time and attention to fundraising activities. I believe it is safe to say that our constituents would rather we spend our time on public business.

We are all aware that the average cost of winning a Senate seat is now more than \$4 million. This means that a successful Senate candidate must raise nearly \$13,000 every week for 6 years. Given that the bulk of campaign

fund raising may occur in the last 2 years of a Senator's term, a successful candidate would have to raise more than \$36,000 every week for those 2 years. This obviously leaves far too little time for vital matters of concern to our constituents.

Since coming to the Senate in 1981, I have been a consistent advocate of campaign reform, and several times I have introduced my own legislation to deal with this problem. In prior public service, I was among the first statewide elected officials in Illinois to make available information regarding amounts and sources of my campaign contributions, and I also made available all personal income and net worth.

As in past years of debate on campaign finance reform, the question of public financing remains controversial. I can understand how there might be reluctance on the part of some of my colleagues to support public financing. I think we all realize, however, that unless we retain some sort of public financing, as a triggering device, we cannot answer the first amendment concerns raised by the 1976 Supreme Court ruling in Buckley versus Valeo. Under the Court's ruling, Congress could not constitutionally impose spending limits unless they were adopted voluntarily; for example, as a condition for receiving public financing.

I believe that a substantial majority in the Senate supports some kind of reasonable limitation on campaign expenditures. Yet we continue to hear opposition to the idea on the grounds that it is difficult for a challenger to beat an incumbent without outspending him. I addressed this question during last year's debate on campaign finance reform, but let me once again point out a few facts about the two election cycles in the last 10 years that saw control of the Senate change hands:

I came here in 1980, in the Reagan landslide. There were nine incumbents defeated. Of those nine, seven outspent their successful challengers during the campaign.

In 1986, when I ran for reelection, 9 of the 34 Senators elected were outspent by the candidates they defeated. Of those nine, six were up against incumbents who outspent them during the campaign by as much as 2 to 1.

These election results and campaign spending statistics clearly demonstrate, regardless of allegations to the contrary, that reform of campaign finance laws is not a veiled effort to create an incumbent protection society.

Another concern addressed by S. 3 is the ever-present issue of soft money—those contributions falling outside of Federal limitations, yet directly impacting Federal elections. S. 3 requires that all party committee spending which affects a Federal election be funded with money permissible under

current Federal election law. It also includes provisions prohibiting Federal officeholders and candidates from raising soft money for political campaigns and for nonpolitical purposes. In addition, evading the contribution limits through the practice of bundling would be prohibited.

The enormous amounts of money flowing into campaign coffers cannot help but leave the impression that influence is being purchased. Our elections must be a contest of ideas; ideas determined in the political marketplace and not in the financial marketplace. The only effective way to curb the rising cost of political campaigns is to impose a spending limit on the amount of money well-financed candidates can raise and spend, thus giving under-financed candidates the chance to compete.

Let me say as forcefully as I can, Mr. President, that spending limits alone do not make a good bill, but spending limits are the essential foundation for any reform package we put together. To call a bill without spending limits reform is a joke.

Mr. President, S. 3 has evolved from several years of debate in connection with campaign finance reform. I implore my colleagues to support the final measure that is a result of this debate.

Incidentally, I have reservations about parts of this bill. There may be amendments I might support during the course of the debate, Mr. President. I do not agree with those who say political action committees are a bad idea. I think they are a democratic idea. The average person giving to a labor union or a corporate fund gives less than \$50 a year to campaign financing in this country, and becomes a participant in the process as a result of political action committees where he or she would otherwise not be a participant.

I do not know what the final result is going to be. I see my friend on the other side standing on the floor, the distinguished Republican Member, who has some differences about this. But we are going to argue this. We are going to debate it. We are going to consider a lot of amendments, and ultimately, when it is all done, we will vote for a bill.

Mr. President, I believe we should pass the bill, S. 3, however it is finally amended, send it to the House, let the House work its will, get a conference report, send the conference report, finally, to the President of the United

States, who will have the opportunity then to consider this legislation.

I believe it is imperative, absolutely essential that we pass campaign finance reform this year.

I want to conclude by saying this, Mr. President: At one time or another in the last several years, as many as 8 or 10 of our colleagues have been criticized in the public print and electronic media in very critical ways for conduct mostly contended upon the fact that there was political support of some kind, and the appearance—not necessarily the fact—of impropriety.

As long as we keep this great big engine running and this locomotive storming down the track, we are going to have troubles here, Mr. President. We better pass campaign finance reform for the protection of the Senate, for the protection of the Congress. But, Mr. President, more important, for the protection of the country.

I yield the floor.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,253d day that Terry Anderson has been held captive in Lebanon.

A TRIBUTE TO JOHN HEINZ

Mr. SPECTER. Mr. President, the tragic death of Senator John Heinz elicited an unprecedented outpouring of emotion from Pennsylvanians. Innumerable people have taken the time to contact me—by telephone, by mail, or in person—to express their grief over the untimely passing of our colleague. I am deeply touched by the love that the people of Pennsylvania felt for John Heinz.

Recently, the Pennsylvania Society for Clinical Social Work requested that a resolution passed by the National Federation of Societies for Clinical Social Work be included in the CONGRESSIONAL RECORD. Therefore, Mr. President, I ask unanimous consent that the aforementioned resolution be printed in the RECORD immediately following my remarks.

I thank the chair and yield the floor.

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

RESOLUTION MEMORIALIZING SENATOR JOHN HEINZ

The National Federation of Societies for Clinical Social Work joins the Pennsylvania Society for Clinical Social Work in memorializing Senator John Heinz upon his un-

timely death on April 4, 1991. We appreciate Senator Heinz for his efforts to create social resources needed by citizens of Pennsylvania and of the United States. He had learned to listen to some of the vulnerable people in our country and had developed a clear vision regarding societal responsibility for the elderly, for dislocated workers, and for children and youth. As our state and national societies advocate for sufficient health, mental health, and substance abuse benefits for clients and for their rights to choose their providers, we will miss a friend on the Hill.

NATIONAL HERO REMEMBRANCE DAY

Mr. SPECTER. Mr. President, today I am cosponsoring legislation designating Memorial Day 1991 as "National Hero Remembrance Day." My distinguished colleague from New York, Senator D'AMATO, introduced this legislation on May 9 as Senate Joint Resolution 144. With Memorial Day fast approaching and many celebrations honoring our troops being planned, I feel it is important to honor those who gave their lives in the pursuit of freedom in the Persian Gulf.

National Hero Remembrance Day would honor the more than 500,000 troops of the U.S. Armed Forces who served in the Persian Gulf with troops from 28 other nations.

As we celebrate the return of our victorious troops from the Persian Gulf, we must realize the special debt of gratitude we owe to the troops who died during Operations Desert Shield and Desert Storm. While I know we all grieve for each life lost in this conflict, the Scud missile attack, on the 14th Quartermaster Unit from western Pennsylvania on February 25, 1991, give this legislation special significance for me. As you know, 14 young men from western Pennsylvania were killed in that attack.

I urge my colleagues to join me in supporting this legislation to honor the 377 Americans who gave their lives in the pursuit of freedom. In addition, with the closeness of Memorial Day, I urge expeditious consideration of this legislation.

Mr. President, I ask unanimous consent that a list of those individuals killed, missing, or taken prisoner during Operations Desert Shield and Desert Storm and after the cease-fire be printed in the RECORD so they may be recognized for their heroic actions on behalf of their country.

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

DESERT SHIELD/STORM CASUALTIES

(As of May 6, 1991, through casualty report No. 102)

Name	Status	Rank	Service	Town	Age
ALABAMA					
Bridges, Cindy DJ	Killed, non-hostile	Private first class	Army	Trinity	20
Clark, Barry	Killed in action	Sergeant	Air Force	Fairhope	26
Godfrey, Robert G	Killed in action	Chief warrant officer	Army	Phenix City	32
Henderson, Barry K	Desert Shield	Major	Air Force	Tuscumbia	40

DESERT SHIELD/STORM CASUALTIES—Continued

(As of May 6, 1991, through casualty report No. 102)

Name	Status	Rank	Service	Town	Age
Heyden, James	Killed, non-hostile	Specialist	Army	Tuscumbia	24
Hogan, Larry G	Desert Shield	Sergeant	Marine Corps	Birmingham	33
Hutto, John W	Killed in action	Private first class	Army	Andalusia	19
Jackson, Arthur	Desert Shield	Sergeant	Army	Brent	36
Jackson, Timothy J	Desert Shield	Fire control technician	Navy	Aniston	20
Jarrell, Thomas R	Killed, non-hostile	Specialist	Army	Alexander City	20
Poole, Ramono L	Killed, non-hostile	Senior airman	Air Force	Muscle Shoals	21
Robinette, Stephen R	Killed, non-hostile	Sergeant	Army	Saraland	35
Satchell, Baldwin	Killed, non-hostile	Sergeant	Army	Courtland	31
Schramm, Stephen G	Desert Shield	Major	Air Force	Birmingham	43
Wilbourn, James N	Killed in action	Captain	Marine Corps	Huntsville	28
ARIZONA					
Cunningham, James B	Desert Shield	Lance corporal	Marine Corps	Glendale	22
Fails, Dorothy	Killed, non-hostile	Private	Army	Taylor	25
Felix, Eliseo	Killed in action	Lance corporal	Marine Corps	Avondale	19
Noline, Michael A	Killed, non-hostile	Private first class	Marine Corps	Phoenix	20
Pack, Aaron A	Killed in action	Corporal	Marine Corps	Phoenix	22
ARKANSAS					
Eichenlaub, Paul R., II	Killed in action	Captain	Air Force	Bentonville	29
Mason, Steven G	Killed in action	Specialist	Army	Paragould	23
Whittenburg, Scotty L	Killed, non-hostile	Sergeant	Army	Carlisle	22
Wieczorek, David M	Killed, non-hostile	Private first class	Army	Gentry	21
CALIFORNIA					
Campisi, John	Desert Shield	Staff sergeant	Air Force	Covina	30
Conner, Michael R., Sr	Killed, non-hostile	Staff sergeant	Marine Corps	Freemont	32
Crockford, James F	Killed, non-hostile	Petty officer	Navy	Venice	30
Crumby, David R., Jr	Killed in action	Sergeant	Army	Long Beach	26
Diffenbaugh, Thomas M	Desert Shield	Warrant officer one	Marine Corps	Bakersfield	34
Forsman, Ira L	Killed, non-hostile	Sergeant	Army	Sacramento	30
Galvan, Arthur	Killed in action	Captain	Air Force	Newport Beach	33
Haws, Jimmy D	Killed in action	Sergeant	Army	Travis	28
Hein, Leroy E., Jr	Killed, non-hostile	Sergeant	Air Force	Sacramento	22
Hoage, Adam T	Killed, non-hostile	Private first class	Marine	Corona	19
Hook, Peter Samuel	Desert Shield	Major	Air Force	Bishop	36
Jenkins, Thomas A	Killed in action	Lance corporal	Marine Corps	Mariposa	20
Kanuha, Damon V	Killed in action	Staff sergeant	Air Force	San Diego	28
Kramer, David W	Killed in action	Private first class	Army	Palm Desert	20
Kutz, Edwin B	Killed in action	Sergeant	Army	Sunnymede	26
Lindsey, Scott J	Killed in action	Specialist	Army	Diamond Springs	27
Malak, George N	Killed, non-hostile	Warrant officer	Army	Santa Monica	34
Martin, Christopher	Killed, non-hostile	Warrant officer	Army	Chino	29
Mitchell, Adrenne L	Killed in action	Private	Army	Moreno Valley	20
O'Brien, Cheryl L	Killed in action	Sergeant	Army	Long Beach	24
Patterson, Anthony T	Killed, non-hostile	Private	Army	Oxnard	22
Paulson, Dale L	Killed, non-hostile	Specialist	Army	Sacramento	36
Poulet, James Bernard	Desert Shield	Capt	Air Force	San Carlos	34
Romei, Timothy W	Desert Shield	Corporal	Marine Corps	Alameda	22
Stokes, Adrian	Killed in action	Sergeant	Army	Riverside	20
Swartzendruber, George R	Killed in action	Warrant officer	Army	San Diego	25
Tapley, David L	Killed, non-hostile	Sgt. first class	Army	Winton	39
Warne, David A	Desert Shield	Lieutenant	Navy	Fair Oaks	28
COLORADO					
Belliveau, Michael L	Desert Shield	Avn. elect. mate 3rd Class	Navy	Lakewood	24
Dillon, Young	Killed in action	Sergeant	Army	Aurora	27
Sapien, Manuel B., Jr	Killed, non-hostile	Specialist	Army	Denver	22
Weaver, Paul J	Killed in action	Major	Air Force	Alamosa	34
CONNECTICUT					
Arteaga, Jorge I	Killed, non-hostile	Captain (promoted posthumously)	Air Force	Trumbull	26
Beaudoin, Cindy M	Killed in action	Specialist	Army	Plainfield	19
Budizan, Steven A	Killed, non-hostile	Petty officer second class	Navy	Waterbury	21
Butts, William T	Killed in action	Staff sergeant	Army	Waterford	30
Hughes, Robert	Killed, non-hostile	Chief warrant officer	Army	Vernon	35
Sylvia, James H	Killed, non-hostile	Corporal	Marine Corps	Putnam	23
DELAWARE					
McCoy, James R	Killed in action	Corporal	Army	Wilmington	29
FLORIDA					
Cleyman, Marc H	Desert Shield	Staff sergeant	Air Force	Jacksonville Beach	30
Cross, Shirley M	Killed, non-hostile	Petty officer first class	Navy	Fountain	36
Daniel, Candace M	Post-war, non-hostile	Private first class	Army	Unknown	20
Daugherty, Robert L., Jr	Killed, non-hostile	Private first class	Army	Hollywood	20
Deigado, Delwin	Desert Shield	Signalman 3rd C	Navy	Jacksonville	26
Dougherty, Joseph D., III	Killed, non-hostile	Lance corporal	Marine Corps	Largo	20
Hatcher, Raymond E., Jr	Killed, non-hostile	Staff sergeant	Army	Monticello	32
Garvey, Philip M	Killed in action	Chief warrant officer	Army	Pensacola	39
Hodges, Robert K	Killed in action	Tech. sergeant	Air Force	Panama City	28
Kelly, Shannon	Desert Shield	2nd lieutenant	Army	Gulf Breeze	23
Kemp, Nathaniel H	Desert Shield	Mess mgt spec. apprent	Navy	Greenwood	18
Oelschiager, John L	Killed in action	Tech. sergeant?	Air Force	Pensacola	28
Plummer, Marvin J	Desert Shield	Avn. boatswain's mate 2nd class	Navy	Ponte Vedra	27
Powell, Dodge R	Killed in action	Sergeant	Army	Hollywood	28
Robson, Michael R	Killed in action	Staff sergeant	Army	Seminole	30
Rodriguez, Eloy A., Jr	Killed, non-hostile	Master sergeant	Army	Key West	34
Sanders, Henry J., Jr	Killed, non-hostile	First sergeant	Army	Cocoa	42
Sumerail, Roy J	Killed, non-hostile	Staff sergeant	Army	Ocala	29
GEORGIA					
Brown, Christopher B	Desert Shield	Airman apprentice	Navy	Jessie	19
Clark, Larry M	Desert Shield	Airman	Navy	Decatur	21
Jones, Phillip J	Killed in action	Corporal	Marine Corps	Atlanta	21
Oliver, Arthur D	Killed, non-hostile	Lance corporal	Marine Corps	Atlanta	20
Reichle, Hal H	Killed in action	Chief warrant officer	Army	Marietta	27
Seay, Timothy B	Desert Shield	Disbursing clerk	Navy	Thomaston	22
Walker, Charles S	Killed, non-hostile	Private first class	Army	Jonesboro	19
Wilkinson, Philip L	Desert Shield	Mess mgt. spec. 2nd Class	Navy	Savannah	35
Worthy, James E	Killed in action	Specialist	Army	Albany	22
GUAM					
Damian, Roy T., Jr	Killed in action	Specialist	Army	Toto	21
HAWAII					
Allen, Frank C	Killed in action	Lance corporal	Marine Corps	Wianae	22

DESERT SHIELD/STORM CASUALTIES—Continued

[As of May 6, 1991, through casualty report No. 102]

Name	Status	Rank	Service	Town	Age
IDAHO					
Moller, Neils A	Killed in action	Sergeant	Army	Paul	23
ILLINOIS					
Cooper, Charles W	Killed, nonhostile	Captain	Army	St. Charles	33
CVrask, Gary W	Killed, nonhostile	Specialist	Army	Cantrall	21
Cornier, Dale Thomas	Killed, nonhostile	Captain	Air Force	Crystal Lake	30
Cronin, William D., Jr	Desert Shield	Captain	Marine Corps	Elmhurst	29
Hills, Kevin J	Desert Shield	Avn. electrician airman	Navy	Genoa	19
Hornath, Raymond L., Jr	Desert Shield	Corporal	Marine Corps	Waukegan	26
Hurley, Patrick R	Killed, nonhostile	Sergeant major	Army	New Douglas	37
Hurley, William J	Desert Shield	Captain	Marine Corps	Chicago Ridge	27
Keller, Kenneth T	Desert Shield	Sergeant	Marine Corps	Glenview	26
Mitchem, Earnest F	Post-war, nonhostile	Sergeant first class	Army	Granite City	41
Phillis, Stephen R	Killed in action	Captain	Air Force	Rock Island	530
Porter, Christian J	Killed in action	Lance corporal	Marine Corps	Wood Dale	20
Schuldt, Bradley R	Desert Shield	Captain	Air Force	Arlington Heights	
INDIANA					
Anderson, Michael F	Killed, nonhostile	Chief warrant officer	Army	Frankfort	36
Benningfield, Alan H	Killed, nonhostile	Petty officer second class	Navy	Evansville	32
Lane, Brian L	Killed in action	Lance corporal	Marine Corps	Bedford	20
Miller, James R., Jr	Killed in action	Specialist	Army	Decatur	20
Miller, Mark A ³	Killed, nonhostile	Private first class	Army	Cannelton	20
Paddock, John M	Killed, nonhostile	Chief warrant officer	Navy	Indianapolis	44
Reel, Jeffrey D	Killed, nonhostile	Private first class	Army	Vincennes	21
Settimi, Jeffrey A	Desert Shield	Mess mgt. spec. apprentice	Navy	Fort Wayne	25
Simpson, Brian K	Killed in action	Corporal	Army	Indianapolis	22
IOWA					
Clark, Steven Douglas	Desert Shield	Specialist	Army	Cedar Rapids	22
Harrison, Timothy R	Killed in action	Staff sergeant	Air Force	Maxwell	531
Kortiz, Thomas F	Killed in action	Major	Air Force	Davenport	537
Mills, Michael W	Killed in action	Specialist	Army	Jefferson	23
Neberman, James	Killed, nonhostile	civilian	Employed by Army	Dahlitt	37
Rennison, Ronald D	Killed in action	Specialist	Army	Dubuque	21
Shukers, Jeffrey W	Desert Shield	Fire control technician chief	Navy	Union	28
KANSAS					
Daniels, Michael D	Killed in action	Specialist	Army	Fort Leavenworth	20
Davis, Marty R ²	Killed in action	Private first class	Army	Salina	19
Grimm, William D	Killed in action	Captain	Air Force	Manhattan	528
Middleton, Jeffrey T	Killed in action	Specialist	Army	Oxford	26
Streeter, Gary E	Killed in action	Sergeant first class	Army	Manhattan	39
KENTUCKY					
McCreight, Brent A	Desert Shield	Airman	Navy	Eminence	23
Myers, Donald R	Killed, nonhostile	Specialist	Army	Paducah	29
Thorp, James K	Killed, nonhostile	Captain	Marine Corps	Valley Station	30
Underwood, Reginald C ⁵	Killed in action	Captain	Marine Corps	Lexington	27
Wright, Kevin E	Killed, nonhostile	Specialist	Army	Louisville	22
LOUISIANA					
Adams, Thomas R	Desert Shield	Lance corporal	Marine Corps	Baton Rouge	20
Delagneau, Rolando A	Killed in action	Corporal	Army	Gretna	230
Holland, Donnie R	Killed in action	Lieutenant colonel	Air Force	Bastrop	542
Holyfield, Ron R	Post-war, nonhostile	Petty officer third class	Navy	Junction City	21
Schmauss, Mark J	Killed in action	Staff sergeant	Air Force	Waggaman	530
Stewart, Roderick T	Desert Shield	Radioman	Navy	Shreveport	20
Stribling, Earl K	Killed, nonhostile	Major	Army	Gilbert	35
MAINE					
Jackson, Mark D	Killed, nonhostile	Lieutenant	Navy	Washburn	27
Winkley, Bernard S	Killed, nonhostile	Chief warrant officer	Marine Corps	Windsor	27
MARYLAND					
Bland, Thomas C., Jr	Killed in action	Captain ²	Air Force	Gaithersburg	526
Bowman, Charles L., Jr	Killed, nonhostile	Specialist	Army	Manchester	20
Hailley, Garland V	Killed, nonhostile	Staff sergeant	Army	Baltimore	37
Lang, James M	Killed, nonhostile	Lance corporal	Marine Corps	Pomfret	20
Love, James H	Desert Shield	Lieutenant	Navy	Arnold	31
Randazzo, Ronald M	Killed in action	Sergeant	Army	Glen Burnie	24
Shaw, Timothy A	Killed in action	Private first class	Army	Suitland	21
MASSACHUSETTS					
Auger, Allen M	Killed, nonhostile	Corporal	Marine Corps	West Boylston	22
Burt, Paul L	Killed, nonhostile	Sergeant	Army	Hingham	24
Haggerty, Thomas J	Killed, nonhostile	First lieutenant	Army	West Harwich	26
Jones, Daniel M	Desert Shield	Electrician's Mate 3rdC	Navy	Wakefield	19
Kilbus, John R	Desert Shield	Sergeant	Marine Corps	Monument Beach	26
Mullin, Jeffrey E	Desert Shield	Sergeant	Army	Weymouth	21
Smith, Russell G., Jr	Killed in action	Sergeant first class	Army	Fall River	44
MICHIGAN					
Bartusisk, Stanley W	Killed in action	Corporal	Army	Romulus	234
Benz, Kurt A	Killed, nonhostile	Corporal	Marine Corps	Garden City	22
Brilinski, Roger P., Jr	Killed in action	Sergeant	Army	Ossongeke	24
Brooks, Tyrone M	Desert Shield	Boiler tech. fireman	Navy	Detroit	19
Hansen, Steven	Killed in action	Staff Sergeant	Army	Ludington	28
Hill, Timothy	Killed in action	Specialist	Army	Detroit	23
Howard, Aaron W	Killed in action	Private first class	Army	Battle Creek	20
Matthews, Kelly L	Killed, nonhostile	Sergeant	Army	Buckley	28
Palmer, William E	Killed in action	Specialist	Army	Hillsdale	23
Phillips, Kelly D	Killed, nonhostile	Specialist	Army	Madison Heights	22
Shaw, David A	Killed, nonhostile	Staff sergeant	Marine Corps	S. Harrisville	33
Tormanen, Thomas R	Killed, nonhostile	Lance corporal	Marine Corps	Milford	22
MINNESOTA					
Bentzin, Stephen E	Killed in action	Corporal	Marine Corps	Yellow Meadow	23
Joel, Daniel D ²	Killed, nonhostile	Corporal	Marine Corps	Delavan	23
Jones, Glen D	Killed in action	Specialist	Army	Grand Rapids	21
Rush, Scott A	Killed, nonhostile	Private first class	Army	Blaine	19
Turner, Charles J	Killed in action	Lieutenant	Navy	Richfield	529
Weich, Lawrence N	Killed, nonhostile	Sergeant	Army	Chisholm	41
MISSISSIPPI					
Allen, Michael R	Killed, nonhostile	Staff sergeant	Army	West Point	32

DESERT SHIELD/STORM CASUALTIES—Continued

[As of May 6, 1991, through casualty report No. 102]

Name	Status	Rank	Service	Town	Age
Garrett, Mike A	Killed, nonhostile	Staff sergeant	Army	Laurel	31
Hampton, Tracy	Desert Shield	Sergeant	Army	unknown	21
Mills, Randall C	Killed, nonhostile	Sergeant	Army	Waynesboro	29
Wilcher, James	Desert Shield	Sergeant	Army	Crystal Springs	25
MISSOURI					
Bianco, Scott F	Killed, nonhostile	Corporal	Marine Corps	St. Louis	21
Cohen, Gerald A	Killed, nonhostile	Private first class	Army	St. Louis	30
Connor, Patrick K	Killed in action	Lieutenant	Navy	Columbia	25
Cooper, Dallas	Desert Shield	Sergeant	Army	Russellville	27
Costen, William T	Killed in action	Lieutenant	Navy	St. Louis	27
Farnen, Steven P	Killed in action	Specialist	Army	Columbia	22
Gilliland, David A	Desert Shield	Boiler tech. 3rd class	Navy	Warrensburg	21
Heyman, David L	Killed, nonhostile	Specialist	Army	Hazelwood	28
Jones, Alexander	Desert Shield	Arman apprentice	Navy	St. Louis	19
Lee, Richard R	Killed, nonhostile	Chief warrant officer	Army	Independence	36
McKinney, Carol	Desert Shield	Chief warrant officer	Army	Leslie	26
Mobley, Phillip D	Killed, nonhostile	Specialist	Army	Blue Springs	26
Trautman, Steven R	Killed, nonhostile	Specialist	Army	Houstonia	21
MONTANA					
Cronquist, Mark R	Killed, nonhostile	Specialist	Army	Colombia Falls	20
NEBRASKA					
Rose, Peter	Desert Shield	1st lieutenant	Army	Lincoln	26
NEW HAMPSHIRE					
Chinburg, Michael L	Desert Shield	Captain	Air Force	Durham	26
Dillon, Gary	Desert Shield	Captain	Marine Corps	Concord	29
Hector, Wade E	Killed, nonhostile	Specialist	Army	Newport	22
Plasch, David G	Killed in action	Warrant officer	Army	Postmouth	23
Ritch, Todd C	Killed, nonhostile	Private first class	Army	Charleston	20
NEW JERSEY					
James, Jimmy W	Desert Shield	Specialist	Army	Unknown	22
Mongrella, Garrett A	Killed in action	Sergeant	Marine Corps	Belvidere	25
Rossi, Marie T	Killed, nonhostile	Major	Army	Oradell	32
Russ, Leonard A	Killed, nonhostile	Sergeant	Army	Pleasantville	26
Snyder, John M	Desert Shield	Lieutenant	Navy	Milltown	25
Talley, Robert D	Killed in action	Private	Army	Newark	18
Waide, Robert C	Killed in action	Private first class	Army	Hackensack	31
NEW MEXICO					
Hart, Adrian J	Killed, nonhostile	Specialist	Army	Albuquerque	26
Neel, Randy L	Desert Shield	Arman apprentice	Navy	Albuquerque	19
NEW YORK					
Ames, David R	Killed, nonhostile	Staff sergeant	Army	Schuyler	30
Blessinger, John P	Killed in action	Staff sergeant	Air Force	Suffolk	33
Clark, Otto F	Killed, nonhostile	Master sergeant	Army	Corinth	35
Cotto, Ismael	Killed in action	Corporal	Marine Corps	Bronx	27
Fajardo, Mario	Killed in action	Captain	Army	Flushing	29
Fleming, Anthony J	Desert Shield	Avn. ordnancemen class 3rd class	Navy	Buffalo	25
Fontaine, Gilbert A	Desert Shield	Aviation storekeeper	Navy	Spring Valley	22
Hein, Kerry P	Killed in action	Warrant officer	Army	Sound Beach	28
Henry-Garey, Luis A	Killed, nonhostile	Specialist	Army	Brooklyn	28
Jock, Dale William	Desert Shield	Machinist mate fireman apprentice	Navy	Malone	28
McCarthy, Eugene	Killed, nonhostile	Major	Marine Corps	Brooklyn	35
Murphy, Joe	Killed, nonhostile	First sergeant	Army	Roosevelt	47
Ortiz, Patbouvier E	Killed in action	Sergeant	Army	Ridgewood	27
Rivera, Manuel, Jr	Killed, nonhostile	Captain	Marine Corps	Bronx	31
Scholand, Thomas, J	Killed, nonhostile	Lance corporal	Marine Corps	Spencerport	20
Sherry, Kathleen M	Killed, nonhostile	Second lieutenant	Army	Tonawanda	23
Snyder, David T	Killed in action	Lance corporal	Marine Corps	Erie	21
Stewart, Anthony D	Desert Shield	Lance corporal	Marine Corps	Yonkers	19
Stone, Thomas G	Killed in action	Specialist	Army	Falconer	20
Swano, Peter L, Jr	Killed in action	Specialist	Army	Salem	20
Vigrass, Scott N	Desert Shield	Private	Army	Tonawanda	28
Viquez, Carlos, A	Killed, nonhostile	Lieutenant colonel (Dr.)	Army	Bronx	47
Volden, Robert L	Desert Shield	Boiler tech. 1st class	Navy	Rego Park	38
Walrath, Thomas E	Killed, nonhostile	Specialist	Army	Santiana Springs	25
Weaver, Brian P	Desert Shield	Aviation elect. 2nd class	Navy	Lockport	22
Witzke, Harold P. III ²	Killed in action	Staff sergeant	Army	Caroga Lake	28
NORTH CAROLINA					
Blue, Tommy A	Desert Shield	Sergeant	Army	Springfield	33
Chapman, Christopher J	Killed, nonhostile	Sergeant	Army	Charlotte	25
Harris, Michael A., Jr	Killed in action	Staff sergeant	Army	Pullockville	26
Jackson, Kenneth J	Killed, nonhostile	Private first-class	Army	Concord	22
King, Jerry L	Killed in action	Private first class	Army	Winston Salem	20
Lake, Victor T., Jr	Killed, nonhostile	Corporal	Marine Corps	Jacksonville	22
McDougle, Melvin D	Desert Shield	Sergeant	Army	Fayetteville	35
McKnight, Bobby L	Killed, nonhostile	Specialist	Army	Dallas	52
Olson, Patrick B	Killed in action	First lieutenant	Air Force	Washington	25
Parker, Fred R., Jr	Desert Shield	Boiler tech. 2nd class	Navy	Reidsville	24
Perry, Kenneth J	Killed, nonhostile	Specialist	Army	Lake Waccamaw	23
Thomas, Philip J	Desert Shield	Avn. struct. mechan. 3rd class	Navy	Chapel Hill	25
Ware, Bobby M.	Killed, nonhostile	Specialist	Army	New Bern	21
NORTH DAKOTA					
Olson, Jeffrey J	Killed, nonhostile	Captain	Air Force	Grand Forks	27
OHIO					
Applegate, Tony R	Killed in action	Sergeant	Army	Portsmouth	28
Betz, Dennis W	Desert Shield	Corporal	Marine Corps	Alliance	22
Caldwell, Thomas R	Desert Shield	Captain	Air Force	Columbus	32
Cash, Clarence A	Killed in action	Specialist	Army	Ashland	20
Danielson, Donald	Desert Shield	Sergeant	Army	Newark	35
Dolvin, Kevin R	Desert Shield	Captain	Marine Corps	Mineral City	29
Dwyer, Robert J	Killed in action	Lieutenant	Navy	Worthington	32
Edwards, Jonathan R	Killed, nonhostile	Captain	Marine Corps	Terrace Park	34
Gologram, Mark J	Killed, nonhostile	Sergeant	Army	Alliance	23
Hulec, Rande J	Desert Shield	Staff sergeant	Air Force	Cleveland	25
Kamm, Jonathan H	Killed in action	Staff sergeant	Army	Mason	25

DESERT SHIELD/STORM CASUALTIES—Continued

[As of May 6, 1991, through casualty report No. 102]

Name	Status	Rank	Service	Town	Age
Kidd, Anthony W	Killed in action	Specialist	Army	Lima	21
Lumpkins, James H	Killed in action	Lance corporal	Marine Corps	New Richmond	22
Noonan, Robert	Desert Shield	Specialist	Army	Cincinnati	
Spackman, Brian K	Desert Shield	Specialist	Army	Niles	
Spellacy, David M	Killed in action	Captain	Marine Corps	Columbus	28
OREGON					
Cady, Andrew T	Desert Shield	Petty officer 2nd Class	Navy	Florence	25
Dailey, Michael C, Jr	Killed in action	Private first class	Army	Klamath Falls	19
Linderman, Michael E, Jr	Killed in action	Lance corporal	Marine Corps	Douglas	19
Maks, Joseph D	Killed, non-hostile	First lieutenant	Army	Roseburg	38
Noble, Shawnace L	Killed, non-hostile	Private first class	Army	Albany	18
Schiedler, Matthew J	Desert Shield	Data systems tech, 3rd Class	Navy	Hubbard	20
Wedgewood, Troy M	Killed in action	Specialist	Army	The Dalles	22
PENNSYLVANIA					
Atherton, Steven E	Killed in action	Specialist	Army	Nurmine	26
Boliver, John A	Killed in action	Specialist	Army	Monongahela	27
Boxler, John T	Killed in action	Sergeant	Army	Johnstown	44
Brace, William C	Killed, non-hostile	Specialist	Army	Fountain ill	24
Bnosky, Jeffrey J	Desert Shield	First lieutenant	Army	Tamaque	25
Brown, James R	Desert Shield	Specialist	Army	Pittsburgh	27
Carrington, Monray C	Desert Shield	Seaman	Navy	North Braddock	22
Clark, Beverly S	Killed in action	Specialist	Army	Armagh	23
Connelly, Mark A	Killed in action	Major (Dr.)	Army	Lancaster	34
Cooke, Michael D	Killed, non-hostile	Corporal	Marine Corps	Willow Grove	22
Graver, Alan B	Killed in action	Sergeant	Army	Penn Hills	32
Gillespie, John H	Killed, non-hostile	Major (Dr.)	Army	Philadelphia	34
Hollen, Duane W, Jr	Killed in action	Specialist	Army	Bellwood	24
Keough, Frank S	Killed in action	Specialist	Army	North Huntington	22
Lupatsky, Daniel	Desert Shield	Electrician's mate 2nd class	Navy	Centralia	22
Madison, Anthony	Killed in action	Specialist	Army	Monessen	27
Mayes, Christine L	Killed in action	Specialist	Army	Rochester Mills	23
McKinsey, Daniel C	Desert Shield	Boiler technician	Navy	Hanover	21
Moran, Thomas J	Desert Shield	Staff Sergeant	Marine Corps	Corwals Heights	29
Reid, Fredrick A	Desert Shield	Captain	Air Force	Harrisburg	33
Siko, Stephen J	Killed in action	Specialist	Army	Latrobe	24
Speicher, Jeffrey W	Desert Shield	Specialist	Army	Camp Hill	20
Smith, Michael S	Killed, non-hostile	Sergeant	Army	Erie	25
Waldron, James E	Killed in action	Lance corporal	Marine Corps	Jeannett	25
Walls, Frank J	Killed in action	Specialist	Army	Hawthorne	20
Wolverton, Richard V	Killed in action	Specialist	Army	Latrobe	24
PUERTO RICO					
Vega Velazquez, Mario	Killed, non-hostile	Sergeant	Army	Ponce	35
RHODE ISLAND					
Bates, Tommie	Desert Shield	First lieutenant	Army	Coventry	27
SOUTH CAROLINA					
Rivers, Ernest	Desert Shield	Sergeant	Marine Corps	Anderson	26
Walters, Dixon L, Jr	Killed in action	Captain	Air Force	Columbia	29
TENNESSEE					
Await, Russell F	Killed, non-hostile	Staff sergeant	Army	Lynchburg	23
Brown, Darrell K	Desert Shield	Airman apprentice	Navy	Memphis	19
Fielder, Douglas L	Killed in action	Specialist	Army	Nashville	22
Graybeal, Daniel E	Killed in action	First lieutenant	Army	Johnson City	25
Hancock, Joe Henry, Jr	Desert Shield	Lieutenant colonel	Army	Nashville	49
May, James B, II	Killed in action	Senior master sergeant	Air Force	Jonesboro	30
Smith, James A, Jr	Desert Shield	Machinist mate 3rd class	Navy	Somerville	22
Stephens, John B	Killed, non-hostile	Specialist	Army	Morristown	26
Tatum, James D	Killed in action	Specialist	Army	Athens	22
Valentine, Roger E	Killed in action	Private	Army	Memphis	19
TEXAS					
Alaniz, Andy	Killed in action	Specialist	Army	Corpus Christi	20
Bradt, Douglas L	Killed in action	Captain	Air Force	Houston	29
Butler, Tommy D	Killed in action	Specialist	Army	Amarillo	22
Chase, Richard W	Desert Shield	Major	Air Force	San Antonio	43
Collins, Melford R	Killed in action	Private first class	Army	Uhlrad	34
Delgado, Luis	Killed in action	Specialist	Army	Laredo	30
Donaldson, Patrick A	Killed, non-hostile	Chief warrant officer	Army	Corrigan	30
Fowler, John C	Killed, non-hostile	Specialist	Army	Beaumont	26
Gardner, Samuel M	Desert Shield	Master sergeant	Air Force	Idalou	35
Garza, Arthur O	Killed, non-hostile	Lance corporal	Marine Corps	Kingsville	20
Garza, Daniel	Desert Shield	Staff sergeant	Air Force	San Antonio	24
Gordon, John M	Desert Shield	Major	Air Force	Spring	46
Haddad, Albert G, Jr	Killed, non-hostile	Corporal	Marine Corps	Denton	22
Hawthorne, James D	Killed in action	Sergeant	Marine Corps	Stinnett	24
Herr, David R, Jr	Killed, non-hostile	Captain	Marine Corps	Ft. Worth	28
Herrera, Rosendo	Desert Shield	Master sergeant	Air Force	San Antonio	45
Hull, Daniel V	Desert Shield	Lieutenant	Navy	Dallas	31
Knutson, Lonty A	Desert Shield	Technical sergeant	Air Force	San Antonio	27
Mahan, Gary	Desert Shield	Specialist	Army	Waco	23
Montalvo, Candelario	Died of wounds received in action	Sergeant	Marine Corps	Eagle Pass	25
Murray, James C, Jr	Killed in action	Private first class	Army	Conroe	20
Perez, Daniel G	Desert Shield	Technical sergeant	Air Force	San Antonio	50
Price, Richard M	Desert Shield	Major	Air Force	San Antonio	38
Sheffield, Edward E	Desert Shield	Staff sergeant	Air Force	San Antonio	28
Stephens, Christopher H	Killed in action	Staff sergeant	Army	Houston	27
Villarreal, Carpio, Jr	Killed in action	SM Sergeant	Air Force	San Antonio	55
Walker, Daniel B	Killed in action	Lance corporal	Marine Corps	Flint	20
Winkle, Corey L	Killed in action	Private first class	Army	Lubbock	21
UTAH					
Rollins, Jeffrey A	Killed, non-hostile	Sergeant	Army	Bountiful	23
Stephanson, Dion J	Killed in action	Private first class	Marine Corps	Davis	20
VIRGIN ISLANDS					
Huyghue, Wilton L	Desert Shield	Fireman	Navy	St. Thomas	20
Josiah, Troy	Desert Shield	Petty officer 2nd class	Navy	St. Thomas	25
VIRGINIA					
Avey, Hans Christian Richard	Desert Shield	Private first class	Army	Falls Church	21
Can, Jason, C	Killed in action	Sergeant	Army	Halifax	24
Gay, Pamela Y	Killed, non-hostile	Private first class	Army	Surry	19

DESERT SHIELD/STORM CASUALTIES—Continued

[As of May 6, 1991, through casualty report No. 102]

Name	Status	Rank	Service	Town	Age
Gentry, Kenneth B	Killed in action	Sergeant	Army	Ringgold	32
Gregory, Troy L	Died of wounds received in action	Lance corporal	Marine Corps	Richmond	21
Morgan, Donald	Killed, non-hostile	Staff sergeant	Army	Ford	30
Manns, Michael N., Jr	Desert Shield	Fireman	Navy	Fredericksburg	23
Plunk, Terry	Killed in action	First lieutenant	Army	Vinton	25
Poremba, Kip A	Killed, non-hostile	Lance corporal	Marine Corps	Springfield	21
Tillar, Donaldson, P., III	Killed in action	First lieutenant	Army	Miller School	25
Williams, Jonathan M	Killed in action	Corporal	Army	Portsmouth	23
Zeugner, Thomas C.M	Killed in action	Major	Army	Petersburg	36
WASHINGTON					
Belas, Lee A ²	Killed in action	Sergeant	Army	Port Orchard	22
Cooper, Ardon B	Killed in action	Private first class	Army	Seattle	23
Douthit, David Q	Killed in action	Sergeant	Army	Tacoma	24
Hedeem, Eric D	Killed, non-hostile	First lieutenant	Air Force	Malaga	27
LaMoureux, Dustin Craig	Desert Shield	Private 1st class	Army	Bremerton	20
Monroe, Michael N	Desert Shield	First lieutenant	Marine Corps	Bellevue	28
Morgan, John K	Killed in action	Warrant officer	Army	Bellevue	28
WEST VIRGINIA					
Bongiorni, Joseph P. III	Killed in action	Specialist	Army	Morgantown	20
Hutchison, Mark E	Desert Shield	Boiler tech. 2nd class	Navy	Elkins	27
Kime, Joseph G., III	Killed in action	Captain	Army	Charlestown	38
Kirk, Reuben G., III	Killed, non-hostile	Private first class	Army	Dunlow	19
WISCONSIN					
Buege, Paul G	Killed in action	Senior master sergeant	Air Force	Milwaukee	43
Calloway, Kevin Lee	Desert Shield	Private 1st class	Army	Arpin	20
Fitz, Michael L	Killed, non-hostile	Private	Army	Horicon	18
Monsen, Lance M	Desert Shield	Staff sergeant	Marine Corps	Pembine	35
Nelson, Rocky J	Desert Shield	Airman 1st class	Air Force	New Auburn	21
Schroeder, Scott A	Killed in action	Private first class	Marine Corps	Milwaukee	20
Scott, Brian P	Killed in action	Sergeant	Army	Park Falls	22
Strehlow, William A	Killed in action	Sergeant	Army	Kenosha	27
Wanke, Patrick A	Killed, non-hostile	Private first class	Army	Watertown	20
WYOMING					
Davila, Manuel M	Killed in action	Specialist	Army	Gillette	22
IRAN					
Dees, Tatiana	Desert Shield	Staff sergeant	Army	Tehran	34
No Home of Record Available					
Lewis, Ralph E	Desert Shield	Staff sergeant	Army		39
PRISONER-OF-WAR (no home-of-record given per DoD policy)					
All known POWs released					
Missing (no home-of-record given per DoD policy)					
Cooke, Barry	Missing	Lieutenant Cmdr.	Navy	N/A	35
Speicher, Michael S	Missing	Lieutenant Cmdr.	Navy	N/A	33
Prisoners of War Returned to U.S. Control					
Acree, Clifford M	Released	Lt. Colonel	Marine Corps	Seattle, Wash	39
Eberly, David W	Released	Colonel	Air Force	Brazil, Ind	43
Fox, Jeffrey D	Released	Lt. Colonel	Air Force	Fall River, Mass	39
Griffith, Thomas E., Jr	Released	Major	Air Force	Sparta, NJ	34
Hunter, Guy L., Jr	Released	Chief Warrant Officer	Marine Corps	Moultrie, Ga	46
Roberts, Harry M ⁴	Released	Captain	Air Force	Savannah, Ga	30
Slade, Lawrence R	Released	Lieutenant	Navy	Wayland, Mass	26
Tice, Jeffrey S	Released	Major	Air Force	Sellersville, Pa	35
Zaun, Jeffrey N	Released	Lieutenant	Navy	Cherry Hill, NJ	28
Missing Returned to U.S. Control					
Andrews, William F	Released	Captain	Air Force	Syracuse, N.Y.	32
Bush, David	Returned to unit	Specialist	Army	Hyattsville, Md	21
Beryman, Michael C	Released	Captain	Marine Corps	Cleveland, Okla	28
Cornum, Rhonda L. (Dr.)	Released	Major	Army	Freville, N.Y.	36
Dunlap, Troy A	Released	Specialist	Army	Massac, Ill	20
Lockett, David	Released	Specialist	Army	Bessember, Ala	23
Nealy, Melissa A	Released	Specialist	Army	Grand Rapids, Mich	20
Rickett, Crystal L	Returned to unit	Staff Sergeant	Army	Detroit, Mich	31
Sanborn, Russell A. C	Released	Captain	Marine Corps	Deland, Fla	27
Small, Joseph J., III	Released	Major	Marine Corps	Racine, Wis	39
Stamaris, Daniel J., Jr	Released	Staff Sergeant	Army	Lynwood, Wash	31
Storr, Richard D	Released	Captain	Air Force	Spokane, Wash	29
Sweet, Robert J	Released	First Lieutenant	Air Force	Philadelphia, Pa	24
Wetzel, Robert	Released	Lieutenant	Navy	Metuchen, NJ	30
Returned to U.S. Control not Previously Reported Missing					
Jeffries, Lem R	Released	Private	Army	St. Louis, Mo	32
Rice, Kevin R	Released	First Lieutenant	Army	Coteau, Mont	27

¹ Figure includes one Department of the Army Civilian Employee.² Change in Home-of-Record.³ Change in status: formerly reported as Killed in Action.⁴ Eliminates redundant entry in "Missing Returned to U.S. Control."⁵ Change in status: formerly reported as Missing.⁶ Figure includes "Returned to U.S. Control Not Previously Reported Missing."⁷ Individuals were previously selected for promotion and were promoted while missing/posthumously.Note—Names of killed, nonhostile = 120¹. Names of killed in action = 143. Died of wounds received in action = 2.Total Desert Storm deaths named = 265¹. Total Desert Shield Deaths (all Non-Hostile) = 108. Total post-war, non-hostile deaths = 4 (after 11 April cease fire).

Names of missing = 2. Missing released = 14. Missing returned to unit = 2.

Names of POW's - 0. POW's released = 9. Total released named = 25.³CONCLUSION OF MORNING
BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SENATE ELECTIONS ETHICS ACT

The ACTING PRESIDENT pro tempore. The Senate will resume consideration of S. 3, which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (S. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Boren amendment No. 242, in the nature of a substitute.

Graham amendment No. 245 (to amendment No. 242), to require Presidential and Vice Presidential candidates who receive public campaign funds to engage in debate.

AMENDMENT NO. 245

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I am wondering if my friend from Illinois will linger for a question about his comments.

Mr. DIXON. I am delighted always to yield to my neighbor from Kentucky. The distinguished Senator from Kentucky has been one of the major participants in this debate for years. I think he has made an important contribution to the debate. We do have differences about what the bill ought to look like in the end.

Mr. MCCONNELL. I thank my friend. I was listening to his observations about this debate and just wondered if I heard correctly that influence was being bought here in the Senate.

Mr. DIXON. No, I did not suggest that influence has been bought here in the Senate. I suggested that the appearance to the public at large, I think from time to time, is that influence is bought. Let me respond to that very quickly.

Every time, lately, that I act on a major concern of constituents back home, may I say to the Senator that I am concerned about whether they have been supporting me. Now, that is pretty much of a peculiarity of this place. I just had somebody come in last week that I want to help. I called in my people and I said, "Has that gentleman given me a campaign contribution?" and they said, "Yes." I said, "Put everything in writing." I want a public record of this before I help.

What an anomaly, what a peculiarity of the system now, that if a person walks off the street who does not know you and never gave you a nickel, you feel more comfortable about being of assistance than someone who has visibly, over the years and financially, clearly supported your campaign. That bothers me a lot.

Mr. MCCONNELL. I ask further, if that constituent has been someone who operated a phone bank for the Senator for his campaign and volunteered, would the Senator also have felt that it would have been inappropriate?

Mr. DIXON. I say to the Senator from Kentucky that I would always evaluate everything on the basis of what I saw before. When I started in politics four decades ago, my dad said, "Son, always try to avoid doing anything you have to read on the front page of the newspaper." I have tried to conduct my life

according to that ethical standard. It has worked pretty well for me.

When they walk in the door, I try to look at the article in the newspaper before I act. That has worked well for me. But I do suggest to my colleague, in all sincerity and as humbly as I can respond to his question, that I think this very large sum of money that is being employed in these Senate campaigns now is beginning to shock folks back home. I truly believe that, and I think that the larger the amount, the more the risk with respect to the appearance of impropriety and the interpretation of the act by the folks back home.

Mr. MCCONNELL. Might I ask my friend further, what are the large amounts to which he refers?

Mr. DIXON. Well, I have to tell the Senator that I am not up to my proper schooling on this bill. Last year this bill would have permitted an expenditure in Illinois for a campaign in my State for the U.S. Senate, I thought, of around \$4.5 million. I thought that with the flexibility feature it got fairly close to 5. I argue that that is a fairly reasonable amount for my State.

Mr. MCCONNELL. I guess my question is, under existing law, is it not correct that the most an individual could give the Senator from Illinois for an election would be \$1,000?

Mr. DIXON. An individual in a PAC 5.

Mr. MCCONNELL. Right.

Mr. DIXON. Incidentally, I do not have any trouble with either of these amounts. I comment this way: If anything, inflation has affected that somewhat, and I do not think a modest accommodation, at least on the individual contribution side, would be out of line, candidly. I am not arguing against those numbers, I say to my friend.

Mr. MCCONNELL. What is the corrupting influence, that all of these people may get together and want the same thing that each of them contribute?

Mr. DIXON. I think just the general size of the amount that is amassed by the candidates now. I truly mean that. I do not think the individual contributions are too shocking at all. I really sincerely argue—for instance, I do not know what the Senator's experience is in Kentucky, but in my State of Illinois, a gubernatorial candidate, State candidate, or a candidate for mayor of Chicago may take larger amounts than the limits we have—much larger, an unlimited amount. You can take \$100,000 for a candidate in my State running for one of those offices I mentioned. It has to be reported, so the public will know about it. And frankly, disclosure is the strength of all of these things.

Mr. MCCONNELL. My question is with the Federal law; say the Senator raised \$2 million, and it came from 15,000 people; would the Senator from Illinois explain to me how he is cor-

rupted by the fact that 15,000 people collectively contributed \$2 million to his campaign?

Mr. DIXON. I do not think the Senator would feel that he is. The Senator has taken more than that. I want to say to my friends who know me that this Senator asserts that he is incorruptible, and I have accepted campaign contributions just as my colleague from Kentucky has. I do assert, as sincerely as I can, that these massive amounts we are raising now do affect the attitude of the folks in this country about the virtues of those of us who hold public office.

Let me say that I am not here to advocate public financing. I hope my colleagues know that. I do not vote for the public financing as a pure question, although I think you need the triggering device because of the Supreme Court decision. I think we ought to limit upper amounts of campaigns. I truly believe that.

May I say to the Senator that one of his friends on that side told me quietly the other day that the campaign for congressional offices in California is going to cost over \$150 million. That is a fairly staggering amount. I wish we had that to take care of some of the domestic problems in this country.

Mr. MCCONNELL. I will make an observation. California, on a per capita basis, is not one of the most expensive States in the country to run in. It has a lot of people, and it takes a lot of money.

Mr. DIXON. I was not picking on California.

Mr. MCCONNELL. The really expensive races, on a per capita basis, are States like North Dakota and South Dakota, where you have very few people.

Mr. DIXON. Well, the Senator is more advised and informed on the question.

Mr. MCCONNELL. I thank my friend from Illinois.

Mr. DIXON. I thank my friend from Kentucky. I hope we get a bill, and if the Senator from Kentucky and I have our differences, they are friendly differences about the kind of result we want to see here.

I want to send a bill to the President for a change. We have been making speeches for years—and I love the Senator's speeches—but I want to see us get a bill. I thank my friend from Kentucky.

Mr. MCCONNELL. Mr. President, the Senator from Illinois has made an important contribution to this debate over the years. I have read with some interest an op-ed piece he had in the New York Times just last June, the title of which was "The Power of Incumbency Is a Myth," in which Senator DIXON pointed out that Senators have only a 55-percent chance of serving over two terms.

I think that is an important contribution to this debate, and I ask unanimous consent that the article be printed in the RECORD at this point.

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

[From the New York Times, June 12, 1990]

THE POWER OF INCUMBENCY IS A MYTH

(By Alan J. Dixon)

WASHINGTON.—The idea that Senate incumbents have an overwhelming electoral advantage is a myth. It should not control decisions involving campaign finance reform.

Some advocates of reform argue that challengers need special protections in order to compete with incumbents and their purported advantages of office. Yet statistics show that out-spending a challenger hardly guarantees re-election.

The supposed advantages include staff members who do nothing but spend time bur-nishing Senators' images; the franking privilege, which leads to ever-increasing volumes of mail to constituents, and Senators' access to their own TV and radio facilities, which helps them command much more media attention than challengers can gather.

Let's examine Senate elections dating from 1978. The choice of that year is dictated by three considerations: it allows a review of six Senate elections and two full six-year terms; it includes two elections when the President was a Democrat, and it avoids possible aberrations from the Watergate scandal.

In 1978, 35 Senate seats were up for election, 10 because of retirement. Ten incumbents were defeated—three in primaries and seven in the general election. Considering just the 25 seats in which an incumbent was seeking re-election, only 60 percent of the incumbents were returned to office. Looked at another way, freshmen won 75 percent of all the seats at stake; in other words, more than half the contested seats were lost by incumbents.

Clearly, incumbency was no distinct advantage that year: 60 percent is a far cry from the 98 percent retention rates talked about so much these days. However, even the 60 percent figure understates challenger's real competitiveness: some incumbents retire because they believe they cannot win re-election.

If anything, 1980, when control of the Senate shifted to the G.O.P., was even more dramatic. Thirty-four seats were contested. Five incumbents resigned, and 13 lost—four in primaries, nine in the general election. Challengers won 44.8 percent of the seats contested by incumbents. Overall, 52.9 percent of the seats at stake went to freshmen.

Somewhat surprisingly, considering that the country was in deep recession at the time, 1982 was a more pro-incumbent year. There were 33 seats at stake, and only three Senators retired. Only two incumbents were defeated, so newcomers won merely 6.7 percent of the contested seats and incumbents succeeded in 93.3 percent of the races. Looking at the overall numbers, incumbents retained 84.8 percent of the seats at stake; freshmen won 15.2 percent.

In 1984, 33 seats were contested, and four Senators retired. Three incumbents were defeated. All three—two Republicans and one Democrat—outspent their challengers. The challengers won 10 percent of the seats contested by incumbents, and freshmen won 21 percent of the overall seats at stake.

In 1986, when the Democrats regained control of the Senate, 34 seats were contested.

Six Senators retired, and seven incumbents lost; six of the seven defeated incumbents outspent their challengers, but, again, their treasury did not save them. Incumbents retained 75 percent of the contested seats. Freshmen won 38 percent of the seats up for election.

The most recent Senate election, 1988, again demonstrated the competitiveness of Senate races. Thirty-three seats were contested. Six Senators retired and four incumbents were defeated in the general election. Challengers, therefore, won 14.8 percent of the contested seats. Freshmen won 30.3 percent of the seats at stake. Two incumbents outspent their successful challengers.

This figure make a compelling case that there is no exceptional advantage to incumbency. In the six elections reviewed, only twice did incumbents win in 90 percent of the races or more. In at least two elections, newcomers won more than 50 percent of the seats at stake, and incumbents retained 60 percent or less of the contested seats.

The nation's 100 Senators serve six-year terms, and only one-third of the Senate faces the voters in any Federal election year. That makes it even more significant that there are only 55 Senators today who were Senators in 1978. Since then, 34 incumbents have retired and 39 have been defeated by challengers.

What this means is that, on average, Senators have a 55 percent chance of staying in office for more than two terms. The Senate, therefore, bears no resemblance to an incumbents' protection club. It is extremely competitive—a fact that Senators should keep in mind as they strive for the necessary consensus on campaign reform.

Mr. MCCONNELL. Essentially, what the Senator from Illinois was pointing out is that incumbency, at least in the Senate, is not the automatic guarantor of success that it seems to be in the House. I think it is important to remember that, as we consider some of the arguments in the campaign finance debate that are put forward, one of which is that somehow it is impossible to defeat an incumbent Senator under the current system.

I am not here to advocate the current system, but I say that the Senate has changed hands twice under the current system; once in 1980 and again in 1986. Most Senators have to scramble quite a bit to hold their seats. There is a great competition for these Senate seats that we hold on behalf of the people in our States.

Let me make a couple of other random observations, Mr. President, as we begin the morning's discussion.

There has been a lot of talk about whether spending is going up or going down. I have said repeatedly and the facts are clear that the downward spiral continues in overall campaign spending. Focusing first on the Senate: In 1986, \$212 million was spent in Senate races; in 1988, \$201 million was spent, a 5-percent decline from 1986; in 1990, \$180 million was spent, a 10-percent decline from 1988.

So when we discuss whether spending is going up or spending is going down, at least we should be accurate. We should report the facts as they exist.

Now I must say that since it is the conviction of this Senator that spending is not inherently bad since spending typically occurs when you have a competitive race in which two candidates have a lot of support, I would not necessarily argue that the fact that spending is going down is good. But those who are advocating arbitrary spending limits have been saying that spending is going up astronomically and that is the reason we need to control it. It is simply not true.

If you add the House and Senate together, in 1988, \$459 million was spent on House and Senate races together; in 1990, \$455 million, down 3 percent. So if you are looking for an argument to be for arbitrary spending limits that spending is going up, it is not, it is going down. The facts are clear.

There is only one Federal race in which spending is going up and it is going up astronomically, and that is in the Presidential race where there are spending limits. That is right, Mr. President, the only Federal race in which spending is going up is the one where there is spending limits. Obviously spending limits are inept and do not work even when they are constitutional as they are in the Presidential system.

The Presidential system is constitutional because those spending limits are truly voluntary. You might ask, then why do these candidates for President agree to limit their speech? They limit their speech because the public subsidy is very, very generous.

What happens at the beginning of every Presidential campaign is the persons running sits down with their finance chairmen and weigh the pros and cons of accepting public funding, and they conclude that the public subsidy is so generous that they just cannot resist it, and so they know when they accept it \$1 of every \$4 is going to be spent on lawyers and accountants. They know when they go to Iowa they will have people sleeping across the State lines in order to deal with the arbitrary State-by-State spending limits. The staffers will sleep in one State and drive over into Iowa the next day. It is a circus. Walter Mondale called it a joke. When he called it a joke he was talking about the Presidential system. S. 3 seeks to replicate and seeks 535 additional races.

Senator DOLE pointed out yesterday they still have not finished auditing his race for President which, much to his chagrin, ended some time in the spring of 1988. They have not finished auditing that yet.

The FEC testified in the Rules Committee when I asked them how many auditors it would take to deal with 535 additional publicly funded races, with spending limits, they estimated 2,500 auditors. I can tell you the FEC would soon be the size of the Veterans' Administration, calling on candidates all

across America. Public dollars would be used for fringe candidates which it already has in the Presidential system. Lenora Fulani has gotten \$3 million; Lyndon LaRouche has gotten an even million dollars. Pretty soon all across America every fringe candidate can wake up in the morning and say, by golly, I think I see a Congressman; I am going to be able to reach into the Federal cookie jar and get some of those Federal dollars to go outside and run the campaign.

The American people are going to love it, they are going to love it like they love the Presidential system. They get a chance today to vote on it now, on the checkoff every April 15, and it continues to decline.

Mr. President, I suggest that if the real question were put on the tax returns and they really understood what the checkoff was about, almost nobody would check off this box, if they understood in checking that little box it meant a dollar was going to be diverted from child nutrition or defense, or from some other worthwhile program to be spent on Presidential election campaign opinions and political convictions. Bear in mind, Mr. President, the every 4-year party that each of the candidates have called the national convention is paid for by the taxpayers. If they had any idea of that I do not think anybody would check off—nobody, and that is why we go through the charade of trying to figure out how in the world to pay for this because everybody in this body knows that public funds are enormously unpopular.

Finally, Mr. President, I see that the Senator from Florida is here and I wanted to yield to him. I want to make one other observation which I think bears repeating. How many times we have heard on this floor about the money chase. It is asserted that Senators are out raising money every day from the beginning to the end of their 6-year term.

Again, I plead to my colleagues to look at the facts. It is not true. It never has been true, still is not true. Let us look at the last three cycles. As to the class of 1986 over the 6 years leading up to 1986, 4 percent of the money that they raised for their campaigns came in in the first 2 years, 10 percent came in in the second 2 years, and yes, Mr. President, 86 percent of the money for the class of 1986 was raised in the last 2 years. Of course that is the election cycle. That is when you have to get prepared because we do not own these seats. We have to compete for them. We are very, very fortunate the chances are we are going to have a race.

The class of 1988 the same thing; 6 percent of the money was raised the first 2 years, 11 percent in the second 2 years, and yes, 83 percent in the last 2 years. Why of course that is the election cycle. Those Senators wanted to

run again. We do not own these seats. We do not have lifetime tenure in these seats. We have to fight for them. And so those Senators begin to raise money in the last 2 years.

The same pattern in 1989; 9 percent the first year, 11 percent the second year, and 80 percent in the last 2 years.

Mr. President, there is no money chase. This is no money chase. Senators are not spending all their time raising their money. They do that the end of their cycles if they think they are going to have a tough race with that in view.

Let me now yield the floor. I see the Senator from Florida is here and he is prepared to offer an amendment.

The ACTING PRESIDENT pro tempore. The Senator from Florida [Mr. GRAHAM] is recognized.

AMENDMENT NO. 245, AS MODIFIED

(Purpose: To require that candidates for President and Vice President receiving public benefits participate in public debates or forums)

Mr. GRAHAM. Mr. President, yesterday I offered an amendment and today I am sending a modification of that amendment to the desk.

The ACTING PRESIDENT pro tempore. The amendment will be so modified.

The amendment, as modified, is as follows:

At the appropriate place insert the following:

SEC. . DEBATES BY GENERAL ELECTION CANDIDATES WHO RECEIVE AMOUNTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

Section 315(b) of FECA (2 U.S.C. 441a(b)) is amended by adding at the end thereof the following new paragraph:

“(3)(A) The candidates of a political party for the offices of President and Vice President who are eligible under section 9003 of the Internal Revenue Code of 1986 to receive payments from the Secretary of the Treasury shall not receive such payments unless both of such candidates agree in writing—

“(1) that the candidate for the office of President will participate in at least 4 debates, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are eligible under that section; and

“(i) that the candidate of the party for the office of Vice President will participate in at least 1 debate, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are eligible under that section; and

“(ii) that the candidate of the party for the office of Vice President will participate in at least 1 debate, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are eligible under that section.

“(B) If the Commission determines that either of the candidates of a political party failed to participate in a debate under subparagraph (A) and was responsible at least in part for such failure, the candidate of the party involved shall—

“(1) be eligible to receive payments under section 9006 of the Internal Revenue Code of 1986; and

“(ii) pay to the Secretary of the Treasury an amount equal to the amount of the pay-

ments made to the candidate under that section.”

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

Mr. GRAHAM. Mr. President, the amendment which I have offered today attempts to add another issue to the debate we are conducting. Thus far the emphasis has been on questions of limiting overall expenditures, a very important central topic.

The debate is on the question of limiting the contributions, another important part of the national debate on campaign reform, but the amendment I have offered today goes to the third issue and that is the quality of the campaign. What is the purpose of a political campaign in America in the 1990's?

I believe that a campaign is a two-way learning process. It is a learning process for both the voter and the candidate. It is an opportunity for the candidate to become better informed about his constituency, the people he hopes to represent, and that the voters will become better educated about those persons who are offering themselves for public service.

There is no area in which this relationship between candidate and voter is more important than in the selection of the President and the Vice President of the United States of America. Therefore the amendment which I have offered would provide that as a condition of receiving and retaining the public funds which are now available for candidates for President and Vice President, the candidates for President would agree to participate in at least four debates. These will be debates sponsored by either nonpartisan or bipartisan organizations.

All of the candidates for that Office who are eligible under this section for public financing for Vice President, the candidates who participate in at least one debate under the same conditions. If the Federal Elections Commission determines that any of the candidates of the political party failed to participate in a debate, and it was their responsibility for that failure, then the candidate of that party shall be ineligible to receive payments under the Federal Presidential Election, Vice-Presidential Election Campaign Funding Program and will have to pay to the Secretary of the Treasury an amount equal to the amount of payments which they have already received.

Mr. President, I believe that it is an appropriate requirement for the American people that if they are going to provide the financing for Presidential and Vice Presidential candidates, at least they should have an opportunity in an organized manner on a regular basis in a sufficient number of occasions to hear the candidates speak side-by-side in order to afford them the op-

portunity to evaluate their competence to hold this highest office in the land.

It is not enough for voters to learn about candidates through the eyes and ears of the media. It is not enough for candidates to learn about their constituency through opinion polls, or through harried fundraisers. Both candidate and voter must learn from each other to ensure effective representation.

I believe, Mr. President, that one of the central problems of many contemporary Presidents is that their campaigns were not sufficiently developed in terms of building that relationship between themselves and the American people. The result of that failure to do so has been that, while candidates have been elected, they have not had a sense of a contract, a mandate to carry out a specific program. The campaign had not established a mutuality between the candidate and the electorate or the officeholder and the citizens that is needed for both to participate in a meaningful, effective political process and for democratic government to achieve its full potential.

How many times have you heard people say that they know little or nothing about candidates? How could voters be expected to make an educated choice if all they are exposed to are 30-second negative blasts on television? How can he expect elected officials to know their constituencies unless they have the opportunity to interact with their constituents?

Institutional public debates are not a panacea, they are not synonymous with a quality political campaign but they are an important part of that public dialog. Campaign finance reform, which includes spending limits, can provide candidates relief from the money chase so that they can better prepare for public forums, dialogs and, in turn, be better prepared to serve in public office.

Mr. President, the history of institutionalized debates in this country began in 1924 when the American public got their first in-house experience with political campaigns. It was in that year that conventions were broadcast to the American people over radio. With the invention of television came the televising of the 1952 and 1956 conventions. But it was not until 1960, however, that the major parties' Presidential candidates met in face-to-face televised debate. In September and October of 1960 the American electorate had four opportunities to view Senator Kennedy and Vice President Nixon debate the issues of that day. And although the debates of 1960 were very popular—they were viewed by an estimated 89.9 percent of American families—the next Presidential debates did not occur until 16 years later when President Ford and Governor Carter met in 1976 for three debates.

With all the pressing issues of that intervening 16 years from 1960 to 1976—issues of Vietnam, Watergate, the whole movement toward integration, the whole question of a renewed Federal role, in issues from education to welfare—the public did not have a chance to hear the Presidential candidates discuss those important issues in public debates.

In 1980, President Carter and Governor Reagan appeared in only one debate and that debate took place only 1 week prior to the election. In 1984, there were more opportunities. President Reagan and former Vice President Mondale met in two debates while their running mates, Vice President George Bush and Congresswoman Ferraro, met in one Vice-Presidential debate. In 1980, Vice President Bush and Governor Dukakis appeared in two debates; their running mates, Senators QUAYLE and BENTSEN, appeared in one.

Mr. President, what history has taught us is that uncertainty about whether debates will occur can destroy their effectiveness and purpose. As indicated by the history since television was first used in Presidential debates in 1960, their use has been sporadic. But when debates did happen, they had a broad American audience.

However, voters still felt that they did not have enough information about the candidates. If both voter and candidate knew the debates were going to happen, then more time could be spent on preparation than on campaign staffs negotiating their candidates out of having the debate. Voters could count on a forum to provide them with knowledge with which they could comfortably go to the polls.

Estimates show that nationwide voter turnout in 1990 was 36.4 percent of the voting age population. Public debate should be pursued at all levels in the electoral process for it is a way of getting people involved and may bring Americans back to the polls.

The National Presidential Debates Act, which is incorporated in the amendment that I have offered, can return to the voter and the candidate spontaneous and thoughtful exchanges of views and philosophies.

The act can return to voter and candidate dialogs which are necessary for educated voting and for educated representation.

The PRESIDING OFFICER (Mr. ROBB). Who seeks recognition?

Mr. GRAHAM. Mr. President, I ask unanimous consent that the vote on or in relation to the Graham amendment occur at 12 noon today, and that no amendments to that amendment be in order, and that the time prior to the vote be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE. Mr. President, I rise to support the Graham amendment. I think Senator GRAHAM has introduced an amendment that is an enormous step forward toward having real debate about real issues which I think, I say to Senator GRAHAM, people really yearn for in our country.

I have a few concerns about these debates. I would like the commission to be a nonpartisan commission sponsoring it and make sure that eligibility is defined in such a way that indeed we make sure we do not block out any serious independent candidate.

I believe what the Senator has offered here today for the U.S. Senate deals with a very real problem, addresses a very serious problem in American politics, which is all too often what people are introduced to during the campaign, including the campaign for President of the United States is simple, jingo, manipulative advertising. All too often that is what happens, I say to Senator GRAHAM. I think the Senator from Florida is well aware of that.

To offer this amendment saying that there should be four debates, I think, is a great service to the people of this country because what that means is that, in the election for the President of the United States, what we are going to see is some debate on issues, substantive debate, not just simple jingo acts.

I believe that if there is one thing the people in this country are asking for, if there is one thing people in the United States of America believe in, and if there is one thing that people in this country have become increasingly disillusioned with in our campaign, including Presidential campaigns, is that they do not see the issues that are important to the concerns and circumstances of their lives addressed in the debates that take place. I believe the Graham amendment is a critically important amendment.

Congressman PENNY from the First Congressional District of the State of Minnesota has introduced similar legislation in the House of Representatives with some minor differences. I know there is interest in the House of Representatives.

I hope that Senators—Democrats and Republicans alike—will vote for the Graham amendment. I think it is an amendment for good government. I think it is an amendment for real concerns about issues. I think it is an amendment for good politics. I think it is a real step forward. I thank the Senator from Florida for offering this amendment.

The PRESIDING OFFICER. Who yields time?

If neither side yields time, time will be equally divided from both sides.

Does any Senator seek recognition?

In my capacity as a Senator from Virginia, I suggest the absence of a quorum, with the time to be divided equally from both sides.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. BOREN. Mr. President, is time under the control of the Senator from Oklahoma?

The PRESIDING OFFICER. The time is under the control of the Senator from Florida and the opponents. If the Senator from Oklahoma—

Mr. BOREN. I ask the Senator from Kentucky if he will yield to me 5 minutes out of his time.

Mr. MCCONNELL. Mr. President, I believe the Senator from Oklahoma and I are both in opposition to this amendment, and I will be happy to yield to him whatever time he desires.

Mr. BOREN. I thank my colleague from Kentucky. This should be reassuring to Members who are observing, the fact that the Senator from Kentucky and the Senator from Oklahoma are on the same side on this amendment, that it is possible for us to reach agreement on some items. Perhaps that bodes well for the possibility that we will finally reach an agreement on a final product. So this is a good start and should be taken as some light at the end of the tunnel by our colleagues that the Senator from Kentucky and I see eye to eye on this amendment.

I wanted to offer some very brief comments on this amendment. It is similar to an amendment that was offered last year by my good friend, the Senator from Florida. I understand his reasons for offering this amendment. I respect very much his point of view that debate as a general matter is a good thing between candidates, and certainly we do want to focus more of the activity of campaigns on debating the issues as opposed to simply expending funds, running negative advertisements, and the rest of it.

In fact, in the bill which is now pending, in S. 3, we make several provisions which we hope will clean up the political process and which will focus more and more attention on the issues, on the qualifications of the candidates, and on their ideas for solving the Nation's problems.

For example, the voucher for television time and the lower cost for television, the discounted cost, is provided in time slots longer than 30-second spots because it is our feeling that very

little can be said of a substantive nature in that brief time.

In addition, we provide that if a candidate authorizes an advertisement to be run, that candidate has to come on at the end of that spot and assume responsibility for the content so that you cannot have actors hired to come on television spots, assassinate the character of an opponent and then not claim responsibility for the ad yourself. If a candidate is going to have an ad run attacking the integrity or the character of his opponent, he or she must at least then assume responsibility for that ad. In many cases there are candidates that would not be too proud to assume responsibility for the kind of negative advertising that has been cluttering the airways during campaigns now for the last several years.

In terms of having debates, while I think as a general matter it would be a healthy thing to have, that is still a decision which ought to be left to the candidates. It is a matter of deciding on political strategy whether a person wants to enter into a debate or not. There are circumstances under this amendment, as it was offered by the Senator from Florida last time, that applied itself to candidates for the U.S. Senate, nominees of the parties for Senate races.

This time the amendment is offered only to apply to Presidential candidates. But I think the principles are still the same. There are circumstances in which you simply might not want to enter into a debate with your opponent.

Let us suppose—I have had this experience from time to time—that you are encountering an opponent that really has no positive platform to offer and, in fact, just simply wants to use the debate as a forum in which to attack you if you are the other candidate. That happens very often in campaigns. If that is the case, why should the candidate who simply is being attacked by his or her opponents, who is offering no positive program and no positive platform, agree to enter into a debate to give your opponent a forum to continue that kind of negative campaigning? That is not always true in the campaign but it is true sometimes.

If that is the case why do you want to enter into an agreement to provide a forum for those kinds of comments and put yourself immediately on the defensive?

There are other circumstances. I have in my own career entered into debates during campaigns on several occasions where there are opponents who are entering into a real discussion of the issues. You have an honest disagreement, and it is a very healthy thing to have a debate and let the American people see. But I think that is a judgment that should be left to the candidates as a matter of principle in determining the course of the cam-

paign. I think especially in the arena of Presidential politics it is very unlikely that a candidate would decline to debate, but there are a number of debates that should take place, and the forum, and the rules that would take place in terms of how the debates would be established.

These are things that I think should be negotiated between the candidates themselves. Perhaps there are election campaigns in which 10 debates would be appropriate, perhaps there are some where only 1 debate would be appropriate, or 2, or perhaps none.

As I say, if there are really exceptional circumstances which would justify a candidate for President saying I am not going to give a forum to my opponent because of the kind of campaign, and I want to make a public statement; the American people can judge for themselves that campaign, rather than my opponent is so reprehensible that I simply am not going to justify the stature of that individual by providing a forum in which we were going to debate each other in person. There could be that kind of circumstance. I think that would be a very rare circumstance.

I think that would be a very unusual circumstance when a candidate for President would decline to debate. But I simply feel that even though we have a system in place that provides incentives for candidates to participate in this system, that should be left as a matter of negotiation. We cannot possibly foresee all the circumstances that might take place. I think it is best left without congressional mandate, without statutory requirement, to a decision of the candidates to negotiate back and forth between the candidates, and the American people can then judge. They can judge if a candidate is ducking and dodging a debate because that candidate is afraid to discuss the issues and, in fact, refuses to debate. That will be something that the voters of the United States will take into account when they go to the polls to vote.

If one of the candidates is simply slinging mud, not discussing the issues, resorting to campaign tactics that are not worthy of a candidate for President, then I think it should be up to the opposing candidate to decide not to debate a person, and to make a statement with that kind of campaign under those circumstances.

So, Mr. President, this is not a matter about which I have terribly strong feelings. I want to commend the Senator from Florida for his very thoughtful contribution to the process of our debates about how campaigns should be run in the United States. I think that this is certainly an issue that is worthy of very serious consideration by our colleagues. I think it is a legitimate point of view to be put forth, and in an amendment to this bill.

I do not oppose it as manager of the bill. I do not in any way want to imply that I think, if this amendment is adopted and added to the bill, it creates a serious problem for the legislation. I do not feel that way. It simply is an individual matter as an individual Senator, not as manager of the bill. I simply am reluctant to vote for it because I think it is a matter that should be left between the two candidates to decide, and then for the American people to judge the decision which the two candidates themselves make on the issues.

So I will vote against the amendment. I just urge my colleagues to think about it, make their own individual judgments about it before they come to the floor when the roll is called.

I thank the Chair. I thank my colleague from Kentucky for yielding.

Mr. MCCONNELL. Mr. President, let me just follow on with a few observations of my own.

I feel very much like Senator BOREN on this issue. I believe he is correct that you have to go back to 1972 to find the last time there was no Presidential debate. As a practical matter, there is an awful lot of pressure on candidates to debate. It has occurred at least once, usually more than once, every year since 1976.

So it seems that the intent of the amendment of the distinguished Senator from Florida is already being met; that is, as a practical practical matter it is very difficult for a candidate to dodge a Presidential debate in any event.

So agree with Senator BOREN. This is not a matter of earthshaking significance to this Senator, but it seems to me that the option of not debating should still be available to a candidate for President of the United States. Any candidate would do that at this point at grave risk to his or her election, given the longstanding tradition now of having Presidential debates.

So I, too, will cast my vote in opposition.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

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

The PRESIDING OFFICER. Eight minutes, six seconds.

Mr. GRAHAM. I yield myself such time as I may require.

Mr. President, I think the fundamental issue that has been raised by the Senators from Oklahoma and Kentucky as to whether this should be left to the matter of suffrance of the candidates in their ability and willingness to participate or whether it should be established as a matter of public policy. We have already made some impor-

tant decisions in public policy relative to Presidential campaigns, and debating sets a public policy relative to congressional campaigns.

One of those decisions that we made about the Presidential campaign is that there will be a very substantial millions of dollars of public funds made available to the candidates for President and Vice President of the United States. I believe that we have the right to expect as citizens something in terms of the quality of the dialog that that campaign will finance, that is meaningful to our responsibility in making informed judgment as to whom we should vote.

Should we allow a process that says that it is acceptable that all of the resources that are available from public funds for Presidential and Vice Presidential candidates could be spent on 30-second attack ads?

Should there not be some standards of quality of the campaign, of what we expect as American citizens from our candidates?

I believe that as we are concerned about expenditures by candidates, as we are concerned about the sources of those funds, private or public, that we ought to also be concerned about the quality of the campaign because it is that quality that essentially determines the nature of the political process between candidate and electorate, and the nature of the contract that is written between the electorate and their public officials.

We cannot rely on history as a source of comfort as to what will happen if it is left to the suffrance of the candidates. The facts are that televised Presidential debates arose in the 1960 campaign in which there were four of those debates. I believe that those who are observers of Presidential historical perspective consider the 1960 campaign to have been one of the elevated campaigns in recent American history, a serious opportunity for the American people to assess two candidates, neither of whom was an incumbent—Senator Kennedy and Vice President Nixon—in terms of their vision of leadership for a new era of America. After that stellar experience in 1960, we then went 16 years without Presidential debates. It was not until 1976 that President Ford and Governor Carter met. They met for three debates. In 1980 there was one debate. In 1984, two debates. In 1988, two debates.

Mr. President, I believe that, one, an appropriate matter of public policy says that the public has a right to expect an opportunity to view the candidates in a face-to-face forum. That number four is an appropriate number for Presidential candidates. Smaller numbers of debates tend to emphasize horizontal debates that cover many subjects, but there is not much vertical depth to those debates.

It would be my own preference, although this is not part of the amendment, that the four debates be devoted to specific topics, such as United States and the world, U.S. economy, and other issues that are important to the American voter; so that the candidates would be probed by each other, or by whatever format was established by the Federal Elections Commission, in depth. The American people, thus, would have an opportunity to assess the quality of their ideas, their persuasiveness, their likely ability to lead the Nation and the world toward the objectives they have set.

I do not believe that for the highest office in this land, and the leader of the free world, giving the American people at least four opportunities to hear the contenders for that office in a face-to-face debate, is an excessive abundance of political debate in our democracy.

Mr. President, for those reasons, I urge my colleagues to give serious consideration to the adoption of this amendment and to include this as an important additional initiative and reinforcement of our democratic principles as part of this legislation.

The PRESIDING OFFICER. Who yields time? If no time is yielded, the time will be subtracted equally from both sides.

Mr. BOREN. Mr. President, I inquire of the Senator from Florida and the Senator from Kentucky, and any others on the floor, as to whether or not there are others that desire time? If not, this Senator is prepared for us to go ahead and yield back our time and proceed to a vote, unless there is additional debate. If the Senator from Florida has concluding remarks he would like to make, fine. I think we will be prepared, and the Senator from Kentucky will be prepared to do that. Is there any difficulty with that?

Mr. MCCONNELL. Mr. President, the only suggestion I make is that since Senators were told a couple of hours ago this vote would start at 12, we might make sure the vote goes at 12:15.

Mr. BOREN. I might ask, can we start now—and make sure there is no objection from the leadership—and we can allow some flexibility at end of the vote? I know some Members are anxious to go to other engagements.

Does the Senator from Florida wish to make additional comments, or would the Senator object to yielding back all time that is now available, to commence the rollcall, with the understanding that there will be flexibility at the end for those who come in late?

Mr. GRAHAM. I am prepared to yield back my time, but I would like a few moments for a summary statement.

The PRESIDING OFFICER. The Senator from Florida is recognized for 2 minutes 27 seconds.

Mr. GRAHAM. In summation, the amendment that I have offered would require the candidates who receive

funding under the Presidential, Vice Presidential finance system be required to meet four times in public debate as Presidential candidates and once as Vice Presidential candidates.

The rules of how those debates would be conducted, other than the fact that they would have to be under the sponsorship of a bipartisan or nonpartisan entity, would be left to the Federal Elections Commission. Determination as to whether one or the other candidate had been responsible for a failure of the debate would be a decision made by the Federal Elections Commission. As a consequence of being responsible, the candidate would be denied any future funding for his or her Federal campaign and would be required to pack back the funds already received.

The purpose of this is to establish as a matter of public policy that we are concerned about the quality of the campaigns, that we are tired of campaigns which have degenerated into 30-second electronic salvos, largely of negative commentary. We want to have a forum in which candidates will stand up face-to-face, and if you have a negative charge to make to your opponent, do it directly and let your opponent respond and you can rejoice.

The American people are smart and wise enough to be able to evaluate the quality of that exchange. It would not be limited to just what they see on bursts of highly emotional, visual images on their television screen.

I believe this is an important part of the election campaign, maybe an even more important part of building that relationship between the electorate and their elected officials, so that the elected official in office will have a sense of a mandate, of a direction, of a contract with the American people which they can use as a touchstone for their Presidential or Vice Presidential leadership.

Mr. President, I think this is a reasonable and important proposal. I urge my colleagues to adopt it.

I yield the remainder of my time.

The PRESIDING OFFICER. The time for the proponents is yielded back.

Mr. McCONNELL. Mr. President, I yield back my time.

The PRESIDING OFFICER. The vote will be accelerated, if there is no objection. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Louisiana [Mr. BREAU], the Senator from Arkansas [Mr. BUMPERS], the Senator from New York [Mr. MOYNIHAN], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from Florida [Mr. MACK], the Senator from Oklahoma [Mr. NICKLES], the Senator from California [Mr. SEYMOUR], the Senator from Alaska [Mr. STEVENS], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

I further announce that the Senator from Missouri [Mr. DANFORTH] is absent due to a death in the family.

The PRESIDING OFFICER (Mr. ADAMS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 43, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—44

Adams	Gore	Mitchell
Akaka	Graham	Nunn
Baucus	Harkin	Pell
Bentsen	Hollings	Reid
Bingaman	Inouye	Riegle
Bradley	Johnston	Robb
Brown	Kassebaum	Rockefeller
Bryan	Kerrey	Sanford
Burdick	Kerry	Sarbanes
Conrad	Kohl	Sasser
Daschle	Lautenberg	Shelby
Dodd	Leahy	Simon
Exon	Levin	Wellstone
Ford	Lieberman	Wofford
Fowler	Mikulski	

NAYS—43

Bond	Garn	McConnell
Boren	Glenn	Metzenbaum
Burns	Gorton	Murkowski
Byrd	Gramm	Packwood
Chafee	Grassley	Pressler
Coats	Hatch	Roth
Cochran	Hatfield	Rudman
Cohen	Heflin	Simpson
Craig	Helms	Smith
Cranston	Jeffords	Specter
D'Amato	Kasten	Thurmond
DeConcini	Kennedy	Wallop
Dixon	Lott	Warner
Dole	Lugar	
Domenici	McCain	

NOT VOTING—13

Biden	Mack	Stevens
Breaux	Moynihhan	Symms
Bumpers	Nickles	Wirth
Danforth	Pryor	
Durenberger	Seymour	

So, the amendment (No. 245), as modified, was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. GRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM

Mr. MITCHELL. Mr. President, there will be no further rollcall votes today. The managers are here, and I wonder if I might, in their presence, discuss the further disposition of the bill and several of the amendments that are to be offered to it.

It is my understanding that the distinguished Senator from Connecticut [Mr. DODD] will have an amendment and that he will be prepared to offer it and have debate on it on Monday; that

the distinguished Senator from Kentucky, the manager of the bill on the Republican side, has an amendment which he would be prepared to lay down Monday with brief debate, but then would want a further, more full debate during the day on Tuesday; and that the distinguished Senator from Massachusetts [Mr. KERRY] has an amendment which he may be ready to offer on Tuesday.

Might I suggest now, because of the uncertainty with respect to some of these matters, that rather than attempting to get an agreement, that if what I have just said is in accord with what the managers understand and intend, that we could simply briefly discontinue or cease consideration of the measure today and go out until Monday with the understanding that is how we will proceed, and attempt to refine it between now and then. That will enable us to get on the bill, then, on Monday.

I invite comment from both the Senator from Oklahoma and the Senator from Kentucky, if this might be agreeable to them.

Mr. BOREN. Mr. President, I say to the leader that sounds like a good plan to me in general. We understand we may have to refine it. We may have to switch an order of an amendment or something, if it became inconvenient, but this sounds like a good goal.

I assume we could come back in on Monday afternoon for the Dodd amendment, and—

Mr. MITCHELL. And brief debate on Senator McConnell's amendment, with the understanding there would be further, more full debate on the amendment on Tuesday.

Mr. McCONNELL. If the Senator will yield, there are a number of Senators on this side who would like to speak on the amendment I will offer on Tuesday, and they would like to speak on Tuesday. So with the understanding there will be 2 or 3 hours for debate on the McConnell amendment on Tuesday, the understanding is perfectly agreeable to the Senator from Kentucky.

Mr. MITCHELL. That is fine.

Mr. President, I think that is the best way to proceed. So that Senator DODD will be ready when we get back on the bill Tuesday afternoon. It will be our expectation—we do not need to get it nailed down in an agreement—he will be recognized to offer his amendment; debate on that will be conducted in full on Monday; Senator McCONNELL will be recognized to offer his amendment for some degree of debate on Monday, with the understanding that, as he has suggested, there will be 2 or 3 hours of debate on that amendment, further on Tuesday, at a time when those Senators to whom Senator McCONNELL has referred will be available for debate.

Then we will just proceed from there to try to line up further amendments

on Tuesday morning as we progress with the bill.

The PRESIDING OFFICER. The Chair did not understand what the majority leader asked for Monday or Tuesday.

Mr. MITCHELL. There will not be rollcall votes on Monday. There will be debate only, hopefully on two amendments, one to be offered by Senator DODD, and one to be offered by Senator MCCONNELL, under the general conditions which I have previously described.

I am not at this moment, and will not today, propound a unanimous-consent agreement. We will simply proceed, as there appears to be general agreement among the managers of the bill and the leadership to be ready to proceed on Monday for debate.

Senators should know there will be no further rollcall votes today. There will be no rollcall votes on Monday. However, there will be votes on Tuesday. And I repeat now what I said earlier today, what I said yesterday, and on several previous times. There will be votes Tuesday, Wednesday, Thursday, and Friday, perhaps into the evening on all of those days, until we complete action on this measure, the fast-track bill, and the budget resolution conference report.

I hope we can do that in a relatively prompt fashion next week. I believe we will be able to. But Senators should be aware that there will be votes throughout the day on all those days until we complete action on the bill.

Mr. President, I yield the floor, and 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. JEFFORDS. 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. JEFFORDS. I ask unanimous consent I be allowed to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 5 minutes as in morning business.

Mr. JEFFORDS. I thank the Chair. (The remarks of Mr. JEFFORDS pertaining to the introduction of S. 1098 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOLE addressed the Chair. The PRESIDING OFFICER. The Republican leader.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for morning business.

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

MFN FOR CHINA

Mr. DOLE. Mr. President, on Wednesday, President Bush indicated his intention to seek a renewal of MFN status for China. Yesterday, the distinguished majority leader, Senator MITCHELL, criticized the President's decision. At the same time, he introduced legislation to provide only a 6-month extension of MFN, while conditioning its further extension on very strict criteria covering human rights, arms proliferation issues, and economic matters.

Mr. President, this will be one of the most important debates, and decisions of the 102d Congress. I hope that we will treat it that way, and not turn it into a political football. This is a decision that deserves to be made on the basis of the substantive considerations—the enormous importance of our bilateral relationship with China, and our very real and legitimate concerns about many of the policies of the Beijing regime—and not on the basis of the prospects for giving President Bush a black eye as we move into the 1992 political season.

Let us be clear: No one is happy with Chinese policies in the areas cited by the majority leader.

None of us will ever forget the harsh visual images of Tiananmen Square, and none of us can ignore the strong evidence that the human rights situation has improved only at the margins. The Gulf war reminds us again of the critical importance of weapons proliferation, and our continuing deep concerns about China's policies, and history of assurances given but not observed.

Of course, there are important economic problems, including that of patents and copyrights.

So this question will not be determined on the basis of who will defend the Chinese Government, and who will criticize that government; that is not the issue. I think we can all find fault with some of the policies, in fact many of the policies, of the People's Republic of China.

The real issues are: First, how do we nudge China in the right directions on these important questions? Do we better do that through a policy of economic isolation and deprivation—or, do we instead opt for continued engagement, combined with a strong, consistent diplomacy that makes clear to Beijing our strong opposition to some of their policies?

And, second, how do we balance conflicting interests: Some very real and important economic considerations, which suggest a continuation of MFN—versus a gesture to show our disapproval of Chinese policies.

Mr. President, I am not going to try to kid anyone: Those of us who will support the President—and I will—have an uphill fight.

But I think we have one big advantage. I think if we stick to those real issues—we will have the best arguments—the commonsense arguments—on our side. I think we will be able to show that this is a case of feel good versus do good. And in that circumstance, I hope we will muster the votes to do the good thing—the sensible thing—which is to back the President of the United States on this crucial foreign policy issue.

H.R. 1—STILL A QUOTA BILL

Mr. DOLE. Mr. President, last year, we were told that the Supreme Court—through the quick stroke of its collective pen—had somehow transformed America into another South Africa.

We were told that a civil rights bill, H.R. 1, was absolutely essential to restore America as "the land of the free and the home of the brave."

It was powerful rhetoric. But this year it has been rhetoric, and nothing else.

Fearing a nosedive in public credibility, House Democrats have tried to shift the focus of the quota debate by giving H.R. 1 a fancy new name: "the Civil Rights and Women's Equity in Employment Act of 1991."

A slick Madison Avenue gimmick, for sure.

But the American people are smart enough to know that slapping on a new label doesn't change the product one bit: It is the same design, same bill, same quotas!

Now, press reports suggest that House Democrats are in the process of modifying their bill to make it more acceptable to the business community.

Although I am not privy to the details of these proposed changes, I can say, right off the bat that placing a cap just on punitive damages is nothing more than figleaf politics.

And if the cap is similar to the one in last year's bill—"150,000, or an amount equal to the compensatory damages awarded, whichever is greater," then it will not be a cap at all.

If \$1 million in compensatory damages is awarded, then a jury could award \$1 million in punitive damages as well.

Mr. President, I am pleased to see that the House Democrats are apparently addressing the issue of race-norming.

I must admit that I am surprised by this development, since an amendment to ban race-norming, recently offered by Representative HENRY HYDE in the House Judiciary Committee, was defeated in a straight party-line vote—all Republicans for the Hyde amendment, and all Democrats against.

Mr. President, as I have said on a number of occasions, Senate Democrats and Republicans could fashion a responsible civil rights bill in a single day, provided that there is good-faith

on both sides, and provided that the self-appointed civil rights experts who have dominated the debate so far are kept out of the negotiating room.

In my view, such a compromise must have the following ingredients:

A comprehensive cap on both compensatory and punitive damages.

A definition of business necessity taken directly from the Supreme Court's Griggs decision. After all, is that not everyone's professed goal codifying Griggs?

And a provision ensuring that everyone is entitled to a day in court.

But, Mr. President, if compromise is not in the cards, and if my democratic colleagues want to put all their faith in a quota bill, then so be it.

Let us get the bill on the Senate floor. Let us pass it. Let us wait for the President's veto, and let us vote on the veto override.

The legislative process is no mystery. Further delay on the civil rights bill in the Senate serves no purpose other than to confuse an already disinterested American public.

CHILDREN WITH DISABILITIES AND THE SCHOOL LUNCH PROGRAM

Mr. DOLE. Mr. President, it has often been said that a hungry child cannot learn. This is especially true when the child is one with a disability. These children have enough obstacles in their way, and inadequate nutrition should not be one of them.

The cornerstone of our effort to assure the nutritional well-being of our schoolchildren is the National School Lunch Program, which provides balanced lunches to some 25 million children from all income levels each and every school day. Children with disabilities are entitled to participate in this program, too. Yet many cannot, because in some schools, meals are not modified to meet their special needs.

Among the disabilities that may call for meal modifications are, for example, cerebral palsy, cystic fibrosis, Down's syndrome, and spina bifida. Changing the texture of food or modifying calories are the most commonly required adjustments. Some children should not eat certain foods at all, and may require the substitution of foods not on the school menu.

USDA child nutrition and section 504 regulations require schools participating in the school lunch and breakfast programs to provide special meals at no extra charge to children with medical certification that disabilities restrict their diets. These regulations put the burden on parents to request special meals. Yet many parents, school administrators, and teachers do not know these regulations exist.

For example, in a 1986 survey of special education coordinators and district school food service directors in

five Southwestern States, 45 percent of the respondents did not answer the questions on implementation of USDA's 504 regulations; 62 percent of the special education coordinators and 31 percent of the district school food service directors indicated they encouraged parents to provide their children's daytime meals. These results suggest, at least in some cases, a lack of familiarity with, or enforcement of these regulations. And if professionals are unaware that the regulations exist, no wonder parents, who rely on them for information, are in the dark, too.

Parents, school food service personnel, and dietitians specializing in this area have shared with me the difficulties children face because these regulations are not well publicized, or fully enforced. Some schools cannot or will not purchase the equipment or foods which cafeteria workers need for special meals. Or the regular meal may be dumped in a blender, ground up, and served, no matter how unpalatable the result. Part of the reason some schools do not fully comply may be that USDA's policy instruction does not make clear that schools are expected to make textural and caloric changes as well as food substitutions.

Lack of access to special meals is a particular hardship for low-income families who cannot afford to make their children's lunches. Their children must eat whatever is on the school menu, no matter how inappropriate or even dangerous it may be. Or, if a child is lucky, the teacher may provide snacks or even baby food, often at his or her own expense.

The challenge of meeting the nutritional needs of students with disabilities will become greater as medical technology, early intervention programs, and substance abuse by pregnant women increase the numbers of children with disabilities entering school. Many teachers and school food service workers are responding to this challenge. But we still need greater coordination between teachers, school food service personnel, and children's health care providers. More attention must be paid to nutrition in the development of individual education plans, and more training of school staff in this area is required. The excellent manuals on special nutrition already available also need to be more widely disseminated.

Mr. President, passage of the Americans With Disabilities Act last year committed Congress and the country to bringing people with disabilities into the mainstream of our society. Ensuring that students with disabilities can participate in school meal programs is an important step toward this goal. Let us knock down this barrier and let us do it soon.

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

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

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 transmitting two treaties (Basel Convention on Hazardous Waste and Investment Treaty with Tunisia), and 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

At 10:32 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 127. Joint resolution to designate the month of May 1991, as "National Huntington's Disease Awareness Month"; and

S.J. Res. 134. Joint resolution designating May 22, 1991, as "National Desert Storm Reservists Day."

The message also announced that the House has agreed to the following concurrent resolution; without amendment:

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

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 794. An act to establish the Silvio O. Conte National Fish and Wildlife Refuge along the Connecticut River, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 794. An act to establish the Silvio O. Conte National Fish and Wildlife Refuge along the Connecticut River, and for other purposes; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs:

Special Report entitled "Abuses in Federal Student Aid Programs" (Rept. No. 102-58).

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. KOHL:

S. 1097. A bill to amend title VII of the Public Health Service Act to provide fellowships in geriatric psychiatry, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 1098. A bill to amend the Agricultural Act of 1949 to authorize the Secretary of Agriculture to purchase dairy cows and heifers for certain purposes, to increase the milk price support rate and provide an offset, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SARBANES:

S. 1099. A bill to amend section 201(b)(2) of the Higher Education Act of 1965 to reauthorize funding for library training, research, and development; to the Committee on Labor and Human Resources.

By Mr. KERRY:

S. 1100. A bill to authorize the Secretary of Housing and Urban Development to provide grants to urban and rural communities for training economically disadvantaged youth in education and employment skills and to expand the supply of housing for homeless and economically disadvantaged individuals and families; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for himself, Mr. DOLE, Mr. PRESSLER, Mr. PELL, Mr. SEYMOUR, Mr. SIMON, Mr. KASTEN, Mr. KENNEDY, Mr. SPECTER, Mr. SARBANES, Mr. WARNER, Mr. DECONCINI, Mr. RIEGLE, Mr. BRADLEY, and Mr. HELMS):

S. Res. 128. Resolution condemning violence in Armenia; considered and agreed to.

By Mr. BYRD (for himself and Mr. DOLE):

S. Con. Res. 39. Concurrent resolution to authorize the printing of "The Dome of the United States Capitol: An Architectural History," prepared by the Office of the Architect of the Capitol; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 1097. A bill to amend title VII of the Public Health Service Act to provide fellowships in geriatric psychiatry, and for other purposes; to the

Committee on Labor and Human Resources.

FELLOWSHIPS IN GERIATRIC PSYCHIATRY

• Mr. KOHL. Mr. President, I am introducing legislation today which would permit departments of psychiatry to apply for geriatric training and education funds under title VII of the Public Health Service Act.

This is not an expensive proposal. It does not authorize any new spending, but simply modifies title VII to acknowledge that geriatric psychiatry is a recognized medical specialty that should be eligible for the same assistance that geriatric family medicine, internal medicine, and dentistry training and education programs currently receive.

This is a small step toward changing our health-care system to meet the needs of our aging population. There is a growing demand for mental health services for the elderly and their families, but an inadequate supply of medical personnel who are trained to address the special challenges of treating older Americans with mental illnesses and disorders. This proposal will help close that shortfall by using our limited resources to support the training of academic leaders in geriatric psychiatry, who will be able to enrich geriatric education programs in medical schools and hospitals across the country.

I ask unanimous consent the text of this bill, as well as a letter from the American Psychiatric Association in support of this legislation, be printed in the RECORD.

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

S. 1097

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

SECTION 1. FELLOWSHIP IN GERIATRIC PSYCHIATRY.

Section 789(b) of the Public Health Service Act (42 U.S.C. 295g-9(b)) is amended—

(1) in paragraph (2)—

(A) by inserting "or geriatric psychiatry" before the semicolon in subparagraph (A); and

(B) by striking out "or family medicine" in subparagraph (C) and inserting in lieu thereof "family medicine or psychiatry"; and

(2) in paragraph (3)(B), by striking out "or family medicine" and inserting in lieu thereof "family medicine or psychiatry".

AMERICAN PSYCHIATRIC ASSOCIATION,

Washington, DC, May 7, 1991.

Hon. HERBERT H. KOHL,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR KOHL: The American Psychiatric Association, a medical specialty society representing over 37,000 psychiatrists nationwide, commends you for introducing legislation to enhance the health care of the nation's elderly through support for increased training of geriatric psychiatrists. Your bill amends the Health Professions Act and authorizes Departments of Psychiatry to apply for geriatric training funds to assist in

training critically needed additional geriatric psychiatrists. The number of geriatric patients with major psychiatric disorders is expected to grow along with the rising proportion of people age 65 and older. Despite recognition of this growth and increases in the training of geropsychiatrists, the supply of geriatric psychiatrists is unlikely to keep up with demand. Your bill is a much-needed improvement in federal health policy.

In 1987, the Institute of Medicine (IOM) of the National Academy of Sciences published a "Special Report" in *The New England Journal of Medicine* (Vol. 316, No. 22, pp. 1425-1428). The report, titled "Academic Geriatrics for the Year 2000" emphasized the need for a national program to train Geriatricians. This report was the product of a major national conference that brought together outstanding academic leaders and Congressional Staff, with the goal of developing a blueprint for action to address the serious gaps in geriatric training in America. Three areas of Medicine received special attention—Internal Medicine, Family Practice, and Psychiatry. Congressional response quickly followed. Legislation amended Title VI, part F, section 789 in the Public Health Service Act and led to the establishment of a major new Geriatric Training Program at the Health Resources and Services Administration (HRSA).

The HRSA program, however, initiated special geriatric training tracks only for Internal Medicine and Family Practice—not for Psychiatry. A key reason for this was that these new training programs were linked to the establishment of Program Accreditation and Physician Certification in Geriatrics; at the time of the 1987 IOM Report, only Internal Medicine and Family Practice had established such certification. But now, Psychiatry has completed the same process, with the establishment of Subspecialization and a Certificate of Added Qualifications in Geriatric Psychiatry.

Consistent with the IOM recommendations and original Congressional intent, we are gratified that you have introduced legislation—and welcome the opportunity of working with you—so it will be enacted into law to authorize Geriatric Psychiatric training and to appropriate adequate funds for fellowships under section 789 for this purpose. There continues to be great and growing societal and scientific need for fellowship training programs to produce academic leaders in Geriatric Psychiatry in the United States. The immediacy of this need is all the more apparent when one recognizes the central role that Geriatric Psychiatry plays in addressing the enormous national health care crisis in the treatment of Alzheimer's disease patients and their families.

We commend your foresight and your efforts to enhance the health care treatment for the elderly as embodied in your legislation, and urge Congress' support in passing your amendment to allow and encourage the training of geriatric psychiatrists in order to meet the mental health needs of the nation's elderly.

Sincerely

MELVIN SABBIN, M.D.,
Medical Director. •

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 1098. A bill to amend the Agricultural Act of 1949 to authorize the Secretary of Agriculture to purchase dairy cows and heifers for certain purposes, to increase the milk price support rate and provide an offset, and for other

purposes; to the Committee on Agriculture, Nutrition, and Forestry.

MILK SUPPLY REDUCTION AND FOOD DONATION ACT

Mr. JEFFORDS. Mr. President, today I am introducing, along with Senator LEAHY, legislation to bolster the income of our Nation's dairy farmers over the next 10 months. I want to first thank my colleagues for their support for the earlier proposal by Senator LEAHY to help the beleaguered dairy farmer. The 60-40 vote was reassuring that the problem is understood and action is needed.

In the past 6 months farm prices have dropped 30 percent, causing severe economic problems for dairy farmers in every region of the country. It is estimated that as many as 7,000 dairy farmers could be forced out of business in the next few months. No business, no matter how well it is run, can sustain a reduction in the price it receives for its product of the magnitude that dairy farmers are currently trying to absorb. The impact on individual farms is devastating.

For example, in the Northeast, the Farm Credit Bank of Springfield, MA, the largest farm lending institution in the country, reports that farmers using its Agrifax accounting service are losing \$1.30 for every hundred pounds of milk produced. These farmers represent the larger and more successful farmers, which illustrates clearly how serious the problem is. This translates into a loss of about \$25,000 per farm on an annual basis. These farms also show a 48-percent loss in equity investment, which simply means that these low milk prices are substantially reducing any equity they have accrued in land, buildings, and livestock, thereby further weakening their ability to secure loans and maintain their farming operations. An estimated 70 percent of the dairy farmers under this accounting program were experiencing severe cash-flow problems in the past 4 months. Farm credit banks in the Midwest, California, the Southwest, and the Southeast report similar economic difficulties among dairy farmers.

Mr. President, we witnessed this roller coaster effect during the 1970's, and the resulting increase it causes to the price of dairy products. This cycle as begun again—low farm prices followed by too many dairy farmers going out of business—milk supplies reduced too far by the reduction in farm numbers and then an increase in farm milk prices creating higher consumer prices for dairy products. In the 1970's, this roller coaster effect caused consumer prices to escalate over 20 percent.

This vicious cycle of low farm milk prices followed by farmers being forced out of business in order to reduce milk supplies is not sound dairy policy either for the farmer, consumer, or Government. It is a costly policy that not only hurts farmers, agribusinesses, and

rural communities, it also has a devastating effect on the poor and those on fixed incomes when consumer prices increase as the result of these wide swings in milk prices. The 1990 farm bill sought to correct this problem by calling for the establishment of a milk inventory management program that would establish a long-term solution to keep supplies in line with demand and to stabilize farm milk prices.

Unfortunately, the high prices for milk in 1990 made it appear there was time to study alternatives. Thus, implementation of an inventory management program was deferred until 1991-92. The huge drop in the milk price was not anticipated. Such a plan should not be considered during an economic crisis.

On Wednesday, May 15, USDA published in the Federal Register its preliminary evaluation of the various proposals submitted in early February. Although this initial report does not contain any specific recommendations, it starts the process through which a long-term milk inventory management program will be developed. This process may take the next several months to complete since Congress will have to pass legislation for establishment of the final inventory program. The administration will have to agree, and then the regulatory machinery that will have to implement the program must be put in place. Finally, it will be some time before the program will take effect. All this will take time—many months.

Therein lies my concern and is the reason I am introducing this legislation. Any long-term milk inventory management program that is passed late this summer or this fall will not have an impact on farm milk prices until well into 1992. Therefore, something needs to be done now so that farm milk prices are increased in the months ahead and a long-term program is not developed in a crisis atmosphere.

The bill I am introducing today, the Milk Surplus Supply Reduction and Food Donation Act, would do the following:

Item 1. It would increase the current support price of milk from \$10.10 per hundredweight to \$11.10 per hundredweight effective July 1, 1991. This would be financed by a deferred assessment to producers starting in 1992 to offset any additional Government costs for Commodity Credit Corporation purchases. If the bill is implemented quickly, the costs under this provision should be minimal. First actions taken by the Department of Agriculture to reduce inventories will help tighten markets this fall.

The reduction of cow numbers combined with the normal fall reduction in production will make it highly unlikely there will be a cost beyond 3 months.

Item 2. It would require the Secretary of Agriculture to reduce the total quantity of milk produced in the United States by at least 5 billion pounds through the reduction in the number of lactating dairy cows.

Item 3. It would provide for the establishment of a compensation fund from CCC cost savings to compensate any beef producers who sold beef during the period in early April 1986 when beef prices were temporarily lowered as a result of implementation of the dairy termination program. This will be determined by the Secretary of Agriculture.

Item 4. Any funds not utilized to compensate beef producers would be used to help various refugee programs, like the Kurds.

Item 5. Allows the Secretary of Agriculture to purchase domestic beef if he determines that the dairy cow reduction program implemented under item 3 above is having an adverse impact on U.S. beef prices.

Item 6. Beef purchases under the program described above could also be utilized in domestic nutrition programs, or military installations, as well as donated to relief programs to needy nations.

Mr. President, this legislation also requires the Secretary of Agriculture to conduct a study of dairy cattle export programs and the existing infrastructure to carry out such programs. Tremendous opportunities exist to export dairy cattle worldwide. The Hollstein Association, one of the leaders in the exporting of dairy cattle, estimate there is a need for almost 400,000 dairy cattle worldwide. Many of these countries would like U.S. dairy cattle, since they are the highest quality in the world. The only roadblock to taking advantage of this opportunity is the lack of sufficient infrastructure and the fear of problems associated with previous exporting programs. It is my hope that this study will correct these problems.

This legislation should not have a net cost to the Treasury since savings would be achieved through net reductions in CCC purchases of milk products. At the same time, if this legislation is enacted and implemented over the next few months, it would raise farm milk prices. The effect on consumer milk prices would be negligible since farm prices are well below retail milk prices.

Retail milk prices have not dropped proportionate to the precipitous decrease experienced by dairy farmers over the last few months.

This legislation is needed now to help the sagging dairy economy through the next several months until a long-term milk inventory management program can be established and implemented. It will allow us to prevent overkill of farmers that will cause huge consumer cost increases. With this bill, we can

establish an emergency short-term relief program for dairy farmers if we face another unexpected crisis in the industry. We will not have to waste time trying to devise emergency relief, which results in the unnecessary loss of dairy farmers.

I urge my colleagues to examine closely this piece of legislation and to support it.

Mr. President, I ask unanimous consent to print in the RECORD the bill and a copy of dairy cattle export incentive program from the Holstein Association.

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

S. 1098

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

SECTION 1. PURCHASE OF DAIRY COWS AND HEIFERS.

Section 204 of the Agricultural Act of 1949 (7 U.S.C. 1446e) is amended—

(1) by redesignating subsections (i), (j), and (k) as subsections (j), (l), and (m), respectively;

(2) by inserting after subsection (j) (as redesignated) the following new subsection:

“(k) PURCHASE OF DAIRY COWS AND HEIFERS.—

“(1) IN GENERAL.—The Secretary shall purchase from milk producers a quantity of lactating dairy cows and heifers that is sufficient to reduce the total quantity of milk produced in the United States by at least 5,000,000,000 pounds (milk equivalent, total milk solids basis).

“(2) DISPOSAL OF STOCKS.—In disposing of stocks acquired under paragraph (1), the Secretary may—

“(A) export stocks to foreign countries;

“(B) permit the milk producers to dispose of the purchased dairy cows and heifers in accordance with K(4)(A); and

“(C) make payments to the milk producers in an amount equal to the difference between—

“(i) the value of the purchased dairy cows and heifers for milking purposes; and

“(ii) the value of the purchased dairy cows and heifers for beef purposes.

“(3) MILK SUPPLY REDUCTION.—Subject to paragraph (4), the Secretary shall carry out this subsection in a manner that will reduce the production of domestic milk, with emphasis on regions of the United States that have surplus milk production.

“(4) NO ADVERSE EFFECT ON BEEF PRICES.—

“(A) IN GENERAL.—The Secretary shall carry out this subsection in a manner that will avoid disrupting usual marketings of United States beef and beef products.

“(B) PURCHASES OF BEEF.—The Secretary may purchase beef from the domestic beef market if the Secretary considers such action to be necessary to avoid an adverse effect on beef prices.

“(C) FUNDING.—Subparagraph (B) may be carried out using—

“(i) funds made available under clause (2) of section 32 of the Act entitled “An Act to amend the Agricultural Adjustment Act, and for other purposes” (7 U.S.C. 612c), approved August 14, 1935; or

“(ii) funds described in paragraph (6).

“(D) EMERGENCY ASSISTANCE.—The Secretary may transfer beef acquired under this paragraph to the Administrator of the Agency for International Development to meet

emergency food needs in accordance with title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.).

“(5) COMPENSATION FUND.—

“(A) IN GENERAL.—Subject to subparagraph (C), the Secretary shall use amounts realized from purchasing cattle under this subsection to establish a fund to compensate beef producers that sold beef during the period beginning March 31, 1986, and ending April 11, 1986, when prices were temporarily lowered, in an amount determined by the Secretary.

“(B) DEADLINE FOR APPLICATIONS.—To be eligible to receive compensation under subparagraph (A), a beef producer must apply to the Secretary for the compensation not later than 180 days after the date of enactment of this subsection.

“(C) MIGRATION AND REFUGEE ASSISTANCE.—All funds that are not used to compensate eligible beef producers in accordance with this paragraph shall be transferred by the Secretary to the “Migration and Refugee Assistance Account” of the Department of State, and shall be merged with, and used for the purposes of the Account.

“(6) FUNDING.—Subject to paragraph (4)(C), this subsection shall be carried out using savings in federal reimbursement for the Commodity Credit Corporation that result from carrying out the program established by this section.

“(7) TERMINATION.—The authority provided by this subsection shall terminate on December 31, 1991.”

SEC. 2. MILK PRICE SUPPORT RATE AND OFFSET.

(a) RATE.—Effective June 1, 1991, subsection (b) of section 204 of the Agricultural Act of 1949 (7 U.S.C. 1446e) is amended to read as follows:

“(b) RATE.—

“(1) INITIAL RATE.—During the period beginning on January 1, 1991, and ending June 30, 1991, the price of milk shall be supported at a rate not less than \$10.10 per hundred-weight for milk containing 3.67 percent milkfat.

“(2) SUBSEQUENT RATE.—During the period beginning on July 1, 1991, and ending December 31, 1991, the price of milk shall be supported at a rate not less than \$11.10 per hundred-weight for milk containing 3.67 percent milkfat.”

(b) REDUCTION IN PRICE RECEIVED.—Effective January 1, 1992, section 204 of the Agricultural Act of 1949 (as amended by section 1(1) of this Act) is further amended—

(1) by inserting after subsection (h) the following new subsection:

(i) REDUCTION IN PRICE RECEIVED TO OFFSET RATE INCREASE.—

(1) IN GENERAL.—Beginning January 1, 1992, the Secretary shall provide for a reduction in the price received by producers for all milk produced in the United States and marketed by producers for commercial use, in addition to any reduction in price required under subsections (g) and (h).

“(2) AMOUNT.—The amount of the reduction under paragraph (1) in the price received by producers shall be an amount determined by the Secretary that is sufficient to offset the increase in the rate of milk price support from the rate prescribed in subsection (b)(1) to the rate prescribed in subsection (b)(2).”;

(2) in subsection (j), by striking “subsection (g) or (h)” each place it appears and inserting “subsection (g), (h), or (i)”;.

SEC. 3. STUDY OF HEIFER AND LACTATING COW EXPORT PROGRAMS.

(a) STUDY.—The Secretary shall conduct a study of dairy cattle exporting programs and

evaluate existing infrastructure to export heifers and lactating cows. The study shall include, but not be limited to, evaluations of:

(1) existing and likely future worldwide market for dairy cattle and the specific need of relevant foreign countries;

(2) existing infrastructure to carry out a dairy cattle export program;

(3) previous exporting initiatives and the benefits and problems associated with such programs;

(4) dairy cattle export programs carried out by other foreign countries;

(5) benefits of post sale advisory program in the country of purchase;

(b) RECOMMENDATIONS.—Based on information compiled by such study, the Secretary shall make recommendations on ways to improve dairy cow exports carried out by this country.

(c) TRANSMITTAL TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit such study to the Committee on Agriculture, Nutrition and Forestry of the United States Senate and the Committee on Agriculture of the United States House of Representatives.

(d) FUNDING.—The Secretary is authorized to expend up to \$500,000 of the funds described in 4(C) in order to carry out the study required by this subsection.

HOLSTEIN ASSOCIATION—DAIRY CATTLE EXPORT INCENTIVE PROGRAM

Below are the anticipated quantities of dairy cattle that could be exported over a 4 to 5 year period with a properly structured program and with adequate export incentives¹

Mexico	160,000
Thailand	50,000
USSR	20,000
East Europe	16,000
Turkey	50,000
Kuwait	25,000
Egypt	25,000
Tunisia/Algeria/Morocco	15,000
China	10,000
Gulf countries	5,000
Other	10,000
Total	375,000

By Mr. SARBANES:

S. 1099. A bill to amend section 201(b)(2) of the Higher Education Act of 1965 to reauthorize funding for library training, research, and development; to the Committee on Labor and Human Resources.

REAUTHORIZATION OF THE HIGHER EDUCATION ACT

● Mr. SARBANES. Mr. President, I rise today to introduce legislation to increase the authorization level for the Higher Education Act, title II, part B, Library Training, Research, and Development Program from \$5 to \$15 million. It is my strong hope that this proposal will serve to highlight the critical shortage of librarians and library educators and will encourage a more reasonable level of funding for a program which could greatly assist in alleviating this serious problem.

There can be little question about the existence of a shortage of librar-

¹ Consideration should be given to announcing targeted countries without announcing a quantity or allotment for each targeted country.

ians in our country today. Librarians in the United States currently number fewer than 200,000, and nearly 40 percent of them will be 65 years of age or older by the year 2000. Library employers report severe shortages, especially for children's librarians, school library media specialists, catalogers, librarians with technological expertise, and librarians who are members of minority groups. For the last 5 years, the placement service at the American Library Association conferences has had more job openings listed for librarians than job seekers.

Many States report severe shortages of school library media specialists because of a growing number of retirements, an increase in standards for staffing, and population growth in some areas. My own State of Maryland upgraded its standards several years ago to recommend a school library media specialist in every school. However, some districts have been forced to use aides because of a shortage of qualified personnel, and several school systems have no qualified librarians at all at the elementary level.

There are several reasons for these shortages. The American Library Association has pointed out that in the early and more adequately funded years of the title II-B program a corps of leaders was recruited to the library field or enabled to earn a Ph.D. Many of the current faculty, deans, and library directors around the country are II-B fellowship recipients. With the dramatic decrease in appropriations for the II-B program in the 1980's, replacements for such leaders are not coming along fast enough to make up for losses and retirements.

In addition, we require more advanced education and skills of our librarians than we are willing to pay for. For example, school library media specialists are expected to hold a teaching degree and have a master's degree or additional course work in library and information science. The master's degree is the minimum level generally required in public and academic libraries. Many positions also require fluency in foreign languages, advanced study in public administration, computer and communication techniques, social services and community outreach, or such specialized knowledge as children's literature, government documents, or law or medical librarianship.

Existing shortages of librarians will be exacerbated by a shortage of graduate library school faculty. Graduate library school faculty are in short supply because of the closing of some library schools, the decrease in financial support, the higher than average age of library school faculty, and fewer librarians with Ph.D.'s going into teaching. Obviously, the quality of faculty and of the next generation of librarians will suffer without an influx of new talents, backgrounds, and skills.

The bill I am introducing today addresses the serious shortage of librarians and library educators by increasing the authorization level for one small Federal program which could make a difference if funded at more than token levels. The title II-B program authorizes two types of assistance to postsecondary level libraries, library career education and support for research and demonstration projects related to libraries. Library career training grants are used to support student fellowships or traineeships, the development or expansion of librarian education programs using new forms of information technology, and either short term or regular session institutes for continuing education of experienced librarians. In recent years, these grants have been used primarily to support graduate fellowships, especially for women and minorities. Research and demonstration grants may be made to a wide variety of organizations for projects related to libraries, librarianship, and information technology.

Funding for the title II-B program remained under \$1 million during the past decade as a consequence of the administration's zero budgets for library programs for most of those years. Currently funded at only \$976,000, one-third of which must be spent for research, the program cannot make a dent in the growing shortage of librarians and library educators. The authorization level for the HEA title II-B program has ranged from a high of \$38 million in 1971 to a low of \$1.2 million in 1982-84. The current authorization is \$5 million and my bill would increase that level to \$15 million. The entire Higher Education Act is up for reauthorization this year and the Labor and Human Resources Committee is holding a series of hearings on the act. It is my understanding that during an upcoming hearing on May 23, the library and higher education communities will recommend reauthorization of HEA title II library programs, including the HEA II-B library education and research program, at a level consistent with my legislation.

Mr. President, I have spoken many times on the importance of libraries and the need to encourage those involved in the library profession because of the essential work they perform. The library is one of the ladders of opportunity in this society, and we ought never to forget that. The bill I am introducing today addresses a serious problem confronting our Nation as a whole as well as the library community. We must take action to prevent the erosion of the unique and vital services provided by libraries to citizens and communities throughout the country. The legislation I have introduced is an important step in that direction and I urge all of my colleagues to join me in working toward its

prompt passage. I ask unanimous consent that the full text of this legislation be printed below.

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

S. 1099

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

SECTION 1. FINDINGS.

The Congress finds that—

(1) libraries are an essential part of the education infrastructure of the Nation;

(2) librarians assist in developing information for literate citizens and workers in all fields;

(3) librarians have a key role to play in helping to achieve the Nation's education goals, in particular, that by the year 2000, every child will start school ready to learn, and every adult American will be literate;

(4) the growing shortage of librarians and library educators is of special concern in an increasingly information-based society; and

(5) assistance with the cost of the advanced education required for librarianship would help to alleviate such shortages.

SEC. 2. REAUTHORIZATION.

Paragraph (2) of section 201(b) of the Higher Education Act of 1965 (20 U.S.C. 1021(b)(2)) is amended by striking "\$5,000,000 for fiscal year 1987" and inserting "\$15,000,000 for fiscal year 1992".

By Mr. KERRY:

S. 1100. A bill to authorize the Secretary of Housing and Urban Development to provide grants to urban and rural communities for training economically disadvantaged youth in education and employment skills and to expand the supply of housing for homeless and economically disadvantaged individuals and families; to the Committee on Banking, Housing, and Urban Affairs.

YOUTHBUILD ACT OF 1991

● Mr. KERRY. Mr. President, I rise today to introduce the Youthbuild Act of 1991. This bill will provide grants through the Secretary of Housing and Urban Development to fund programs to educate disadvantaged youths while they work at building or restoring affordable housing in their communities. The Youthbuild Programs created by this act will allow young people to upgrade their academic skills, gain access to the construction trades, and develop as community leaders who take responsibility for their own future and for the improvement of their neighborhoods. It will also help in our Nation's efforts to combat homelessness. A companion bill has been introduced by Congressman MAJOR OWENS in the House.

Modeled after extremely successful programs in New York, Youthbuild Programs have been spreading throughout the country over the last 2 years. At Youthbuild Boston, 30 youths who had dropped out of high school are currently attending GED classes half time while also reconstructing a former crack house in Roxbury in order to provide low-income housing. More-

over, they are taking every opportunity available to speak out to other young people about how they turned their lives around.

Mr. President, before we as a nation can turn away from people who are poorly educated, unemployed, on welfare, or involved in criminal activities, we must ask ourselves if we have given them a chance to lead a different life. This question is even more important in the case of the young people in our society. Many of the people who Youthbuild Programs can help—16- to 24-year-old high school dropouts who are economically disadvantaged—have never felt that they have had a chance to live a productive life. This legislation, combined with their own hard work, would give them that chance.

I believe that young Americans will respond positively to the opportunities that this bill will provide. Although participants in Youthbuild Programs work long hours in efforts that pay only a small fraction of what the drug business pays, every existing Youthbuild Program that advertises openings eventually has to turn away six to eight people for everyone it can accept. I am confident that youths across the Nation would respond in a similar fashion.

Youthbuild programs provide a comprehensive approach to the needs of young people. They seek to give youths the experience and knowledge that they need to survive intellectually, emotionally, socially, and economically in an often hostile world. The programs engage young people in significant decisionmaking and teach them the skills learned through civic participation, negotiation, and leadership. People who are literally adrift in society are integrated into a community of peers and committed adults in an effort to improve their neighborhood. Young people from some of this Nation's most desperate social situations contribute affordable housing for the thousands of homeless people that inhabit our urban and rural centers. Such an experience can reverse a young person's negative stance toward life while preparing him or her for a job and a productive role in our society.

This legislation does not seek a uniform Federal solution to the problems it addresses. The bill authorizes \$200 million each year over the next 4 years to be distributed in grants by the Secretary of HUD in consultation with the Secretary of Labor. However, grant proposals are specifically required to describe how projects will interface with State and local agencies and programs, while project selection places a premium on community support, fiscal reliability and potential for success. The Federal Government is prohibited from undertaking the entire burden of a youthbuild program. It will, however, provide an important new force behind

local efforts to attack problems which have sadly become widespread.

In order to reverse the cycles of poverty, drug abuse, violence, and homelessness that effect our society we must, among other things, give disadvantaged youths hope for the future and provide people with homes in which to live. The Youthbuild Act helps do both. I urge my colleagues to join me and approximately 200 community based organizations in 36 States in supporting this important legislation.

I ask that a list of the organizations supporting this legislation and the full text of the bill appear in the RECORD immediately following my remarks.

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

S. 1100

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 "Youthbuild Act of 1991".

SEC. 2. STATEMENT OF PURPOSE.

It is the purpose of this Act—

(1) to expand the supply of permanent affordable housing for homeless individuals and low-income families by harnessing the energies and talents of economically disadvantaged young adults;

(2) to provide economically disadvantaged young adults with opportunities for meaningful work and service to their communities in helping to meet the housing needs of homeless individuals and low-income families; and

(3) to enable economically disadvantaged young adults to obtain the education and employment skills necessary to achieve economic self-sufficiency.

SEC. 3. AUTHORIZATION OF PROGRAM.

(a) FINANCIAL ASSISTANCE.—The Secretary of Housing and Urban Development, in consultation with the Secretary of Labor, may provide grants to pay the Federal share of the cost of carrying out Youthbuild projects in accordance with the provisions of this Act.

(b) FEDERAL SHARE.—The Federal share under subsection (a) for each fiscal year shall not exceed 90 percent of the cost of each Youthbuild project for such year.

SEC. 4. REHABILITATION AND CONSTRUCTION ACTIVITIES.

(a) RENTAL AND TRANSITIONAL HOUSING.—Assistance provided under this Act shall be used by each Youthbuild project to support the construction or rehabilitation of real property to be used for the purposes of providing—

(1) residential rental housing for homeless individuals and low-income families; or

(2) transitional housing for persons who are homeless, have disabilities, are ill, are deinstitutionalized, or are otherwise in need.

(b) RESIDENTIAL RENTAL HOUSING.—Each residential rental housing project receiving assistance under this Act shall meet the following requirements:

(1) OCCUPANCY BY LOWER-INCOME FAMILIES.—In the project—

(A) at least 50 percent of the units shall be occupied, or available for occupancy, by low-income individuals and families with incomes less than 40 percent of the area median income, adjusted for family size; and

(B) the remaining units shall be occupied, or available for occupancy, by low-income individuals and families with incomes less than 80 percent of the area median income, adjusted for family size.

(2) HOMELESS INDIVIDUALS.—At least 25 percent of the units in the project shall be occupied by, or reserved for occupancy, by homeless individuals.

(3) LIMITATION ON RENTAL PAYMENTS.—Tenants in each project shall not be required to pay more than 30 percent of their monthly adjusted income toward monthly rental payments.

(4) TENANT PARTICIPATION PLAN.—For each project owned by a nonprofit organization, the organization shall provide a plan for and follow a program of tenant participation in management decisions and shall adhere to a fair lease and grievance procedure approved by the Secretary.

(c) TRANSITIONAL HOUSING.—Each transitional housing project receiving assistance under this Act shall provide for the delivery of adequate and appropriate services to residents and meet any other requirements prescribed by the Secretary.

(d) LIMITATIONS ON PROFITS.—

(1) MONTHLY RENTAL LIMITATION.—Aggregate monthly rental for each eligible project may not exceed the operating costs of the project (including debt service, management, adequate reserves, and other operating costs) plus a 6 percent return on the equity investment, if any, of the project owner.

(2) PROFIT LIMITATIONS ON PARTNERS.—A nonprofit organization that receives assistance under this Act for a project shall agree to use any profit received from the operation, sale, or other disposition of the project for the purpose of providing housing for low- and moderate-income families. Profit-motivated partners in a nonprofit partnership may receive—

(A) not more than a 6 percent return on their equity investment from project operations; and

(B) upon disposition of the project, not more than an amount equal to their initial equity investment plus a return on that investment equal to the increase in the Consumer Price Index for the geographic location of the project since the time of the initial investment of such partner in the project.

(e) PERIOD OF RESTRICTIONS.—A project that receives assistance under this Act shall comply with the requirements of this section in perpetuity.

(f) RESTRICTIONS ON CONVEYANCE.—The ownership interest in a project that receives assistance under this Act may not be conveyed unless the instrument of conveyance requires a subsequent owner to comply with the same restrictions imposed upon the original owner.

(g) WAIVER.—The Secretary may waive the requirements of paragraph (1), (2), or (3) of subsection (b) if—

(1) the project owner is able to demonstrate that, as a result of circumstances beyond the control of the owner, it is not possible to maintain the project without adjustments; and

(2) the adjustments would not cause the owner to receive an amount that exceeds the maximum amount permitted by subsection (d).

(h) CONVERSION OF TRANSITIONAL HOUSING.—The Secretary may waive the requirements of subsection (c) to permit the conversion of a transitional housing project to a permanent housing project only if such housing would meet the requirements for residential rental housing specified in this section.

SEC. 5. EDUCATION AND JOB TRAINING SERVICES.

(a) **IN GENERAL.**—Assistance provided under this Act shall be used by each Youthbuild project to provide participants with the following:

(1) **WORK EXPERIENCE.**—Work experience in the construction or rehabilitation projects described in section 4, which shall be integrated with appropriate skills training and coordinated with, to the extent feasible, pre-apprenticeship and apprenticeship programs.

(2) **EDUCATIONAL SERVICES.**—Services and activities designed to meet the educational needs of participants, including—

(A) basic skills instruction and remedial education;

(B) bilingual education for individuals with limited English proficiency; and

(C) secondary education services and activities designed to lead to the attainment of a high school diploma or its equivalent.

(3) **PERSONAL AND PEER SUPPORTS.**—Counseling services and other activities designed to—

(A) ensure that participants overcome personal problems that would interfere with successful participation; and

(B) develop a strong, mutually supportive peer context in which values, goals, cultural heritage, and life skills can be explored and strengthened.

(4) **LEADERSHIP DEVELOPMENT.**—Opportunities to develop the decision making, speaking, negotiating, and other leadership skills of participants, such as the establishment and operation of a youth council with meaningful decision making authority over aspects of the project.

(5) **PREPARATION FOR AND PLACEMENT IN UNSUBSIDIZED EMPLOYMENT.**—Activities designed to maximize the value of the participants as future employees and to prepare participants for seeking, obtaining, and retaining unsubsidized employment.

(6) **NECESSARY SUPPORT SERVICES.**—To provide support services and need-based stipends necessary to enable individuals to participate in the program and, for a period not to exceed 12 months after completion of training, to assist participants through support services in retaining employment.

(7) **POST-GRADUATION AWARDS.**—To provide scholarship and housing vouchers for each individual participant not to exceed \$2,500 for each completed year of participation.

(b) **CONDITIONS.**—The provision of employment opportunities to participants in Youthbuild projects shall be made conditional upon attendance and participation by such individuals in the educational services and activities described in subsection (a). The duration of participation for each individual in educational services and activities shall be at least equal to the total number of hours for which a participant is employed and paid wages by a Youthbuild project.

SEC. 6. USES OF FUNDS.

(a) **ASSISTANCE CRITERIA.**—Assistance provided to each Youthbuild project under this Act shall only be used for—

(1) education and job training services and activities described in paragraphs (2) through (7) of section 5(a);

(2) wages and benefits paid to participants in accordance with sections 5(a)(1) and 9(a);

(3) the construction or rehabilitation of real property units in accordance with section 4 in an amount not to exceed what the Secretary determines to be reasonable and necessary, taking into account local conditions and circumstances (including high construction costs or stringent fire or building codes); and

(4) administrative expenses incurred by the project, in an amount not to exceed 15 percent of the total cost of the project.

(b) **EXCEPTION.**—No assistance made available under this Act may be used for operating and management costs of any property constructed or rehabilitated with assistance under this Act.

(c) **INCREASE LIMITATION.**—The Secretary may waive the limitation on administrative expenses described in subsection (b)(4) not to exceed more than 18 percent of the total cost of the project in cases in which the Secretary finds that such a waiver is necessary to support capacity development by a private nonprofit organization.

SEC. 7. ELIGIBLE PARTICIPANTS.

(a) **IN GENERAL.**—Except as provided in subsection (b), an individual shall be eligible to participate in a Youthbuild project receiving assistance under this Act if such individual is—

(1) 16 to 24 years of age, inclusive;

(2) economically disadvantaged; and

(3) an individual who has dropped out of high school whose reading or math skills are at or below the 8th grade level.

(b) **EXCEPTIONS.**—Not more than 25 percent of the participants in a Youthbuild project receiving assistance under this Act may be individuals who do not meet the requirements of subsection (a)(2) or (a)(3) if the individuals—

(1) have not attained a high school diploma or its equivalent; or

(2) have educational needs despite the attainment of a high school diploma or its equivalent.

(c) **PARTICIPATION LIMITATION.**—Any eligible individual selected for full-time participation in a Youthbuild project may participate full-time for a period of not less than 6 months and not more than 18 months.

SEC. 8. CONTRACTS.

Each Youthbuild project shall carry out the services and activities under this Act directly or through arrangements or under contracts with administrative entities designated under section 103(b)(1)(B) of the Job Training Partnership Act (29 U.S.C. 1501(b)(1)(B)), with State and local educational agencies, institutions of higher education, State and local housing development agencies, or with other public agencies and private organizations.

SEC. 9. GENERAL PROVISIONS.

(a) **AUTHORITY RESTRICTION.**—No provision of this Act may be construed to authorize any agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

(b) **STATE AND LOCAL STANDARDS.**—All educational programs and activities supported with funds provided under this Act shall be consistent with applicable State and local educational standards. Standards and procedures with respect to the awarding of academic credit and certifying educational attainment in such programs shall be consistent with applicable State and local educational standards.

(c) **WAGES, LABOR STANDARDS, AND NON-DISCRIMINATION.**—To the extent consistent with the provisions of this Act, sections 142, 143 and 167 of the Job Training Partnership Act (29 U.S.C. 1552, 1553 and 1577), relating to wages and benefits, labor standards, and non-

discrimination, shall apply to the projects conducted under this Act as if such programs were conducted under the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

SEC. 10. PERFORMANCE STANDARDS.

(a) **IN GENERAL.**—The Secretary, in consultation with the Secretary of Labor, shall prescribe standards for evaluating the performance of Youthbuild projects receiving assistance under this Act, including the following factors:

(1) Placement in unsubsidized employment.

(2) Improvement of reading and other basic skills.

(3) Attainment of a high school diploma or its equivalent.

(4) Completion of rehabilitation or construction project.

(5) Occupancy by targeted populations.

(b) **VARIATIONS.**—The Secretary may prescribe variations to the standards determined under subsection (a) to take into account the economic conditions of the areas in which Youthbuild projects are located and appropriate special characteristics, such as the extent of English language proficiency and offender status, of Youthbuild participants.

SEC. 11. APPLICATIONS.

(a) **SUBMISSION.**—To apply for a grant under this Act, an eligible entity shall submit an application to the Secretary in accordance with procedures established by the Secretary.

(b) **CRITERIA.**—Each such application shall—

(1) describe the educational and job training activities, work opportunities, and other services that will be provided to participants;

(2) describe the proposed construction or rehabilitation activities to be undertaken and the anticipated schedule for carrying out such activities;

(3) describe the manner in which eligible youths will be recruited and selected, including a description of arrangements which will be made with community-based organizations, State and local educational agencies, public assistance agencies, the courts of jurisdiction for status and youth offenders, shelters for homeless individuals and other agencies that serve homeless youth, foster care agencies, and other appropriate public and private agencies;

(4) describe the special outreach efforts that will be undertaken to recruit eligible young women (including young women with dependent children);

(5) describe how the proposed project will be coordinated with other Federal, State, and local activities, including vocational, adult and bilingual education programs, job training provided with funds available under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) and the Family Support Act of 1988, housing and economic development, and programs that receive assistance under section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306);

(6) provide assurances that there will be a sufficient number of adequately trained supervisory personnel on the project who have attained the level of journeyman or its equivalent;

(7) describe the applicant's relationship with local building trade unions regarding their involvement in training, and the relationship of the Youthbuild program with established apprenticeship programs;

(8) describe activities that will be undertaken to develop the leadership skills of participants;

(9) set forth a detailed budget and describe the system of fiscal controls and auditing and accountability procedures that will be used to ensure fiscal soundness; and

(10) set forth such other assurances, arrangements, and conditions as the Secretary deems appropriate to carry out the purposes of this Act.

SEC. 12. SELECTION OF PROJECTS.

In approving conditions for assistance under this Act, the Secretary shall give priority to applicants that demonstrate the following:

(1) **POTENTIAL FOR SUCCESS.**—The greatest likelihood of success, as indicated by such factors as the past experience of an applicant with housing rehabilitation or construction, youth and youth education, and employment training programs, linkage with relevant local unions and apprenticeship programs, management capacity, fiscal reliability, and community support.

(2) **NEED.**—Have the greatest need for assistance, as determined by factors such as—

(A) the degree of economic distress of the community from which participants would be recruited, including—

(i) the extent of poverty;

(ii) the extent of youth unemployment; and

(iii) the number of individuals who have dropped out of high school; and

(B) the degree of economic distress of the locality in which the housing would be rehabilitated or constructed, including—

(i) objective measures of the incidence of homelessness;

(ii) the relationship between the supply of affordable housing for low-income persons and the number of such persons in the locality;

(iii) the extent of housing overcrowding; and

(iv) the extent of poverty.

(3) **LOW-INCOME PRIORITY.**—Will reserve the greatest proportion of units for individuals or families with incomes less than 40 percent of the area median income, adjusted for family size.

SEC. 13. MANAGEMENT AND TECHNICAL ASSISTANCE.

(a) **SECRETARY ASSISTANCE.**—The Secretary may enter into contracts with a qualified public or private nonprofit agency to provide assistance to the Secretary in the management, supervision, and coordination of Youthbuild projects receiving assistance under this Act.

(b) **SPONSOR ASSISTANCE.**—The Secretary shall enter into contracts with a qualified public or private nonprofit agency to provide appropriate training, information, and technical assistance to sponsors of projects assisted under this Act.

(c) **APPLICATION PREPARATION.**—Technical assistance may also be provided in the development of project proposals and the preparation of applications for assistance under this Act to eligible entities which intend or desire to submit such applications. Community-based organizations shall be given first priority in the provision of such assistance.

(d) **RESERVATION OF FUNDS.**—The Secretary shall reserve 5 percent of the amounts available in each fiscal year under section 16 to carry out subsections (b) and (c) of this section.

SEC. 14. DEFINITIONS.

For purposes of this Act:

(1) **ADJUSTED INCOME.**—The term "adjusted income" has the meaning given the term in section 3(b)(5) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(5)).

(2) **COMMUNITY-BASED ORGANIZATION.**—The term "community-based organization" has

the meaning given the term in section 4(8) of the Job Training Partnership Act (29 U.S.C. 1503(8)).

(3) **DROPPED OUT OF HIGH SCHOOL.**—The term "individual who has dropped out of high school" means an individual who is neither attending any school nor subject to a compulsory attendance law and who has not received a secondary school diploma or a certificate of equivalency for such diploma, but does not include any individual who has attended secondary school at any time during the preceding 6 months.

(4) **ECONOMICALLY DISADVANTAGED.**—The term "economically disadvantaged" has the meaning given the term in section 4(8) of the Job Training Partnership Act (29 U.S.C. 1503(8)).

(5) **ELIGIBLE ENTITY.**—The term "eligible entity" means a public or private nonprofit agency, such as—

(A) a community-based organization;

(B) an administrative entity designated under section 103(b)(1)(B) of the Job Training Partnership Act (29 U.S.C. 1501(b)(1)(B));

(C) a community action agency;

(D) a State and local housing development agency;

(E) a community development corporation;

(F) a State and local youth service and conservation corps; and

(G) any other entity eligible to provide education and employment training under other Federal employment training programs.

(6) **HOMELESS INDIVIDUAL.**—The term "homeless individual" has the meaning given the term in section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).

(7) **HOUSING DEVELOPMENT AGENCY.**—The term "housing development agency" means any agency of a State or local government, or any private nonprofit organization that is engaged in providing housing for homeless or low-income families.

(8) **INCOME.**—The term "income" has the meaning given the term in section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(4)).

(9) **INSTITUTION OF HIGHER EDUCATION.**—The term "institution of higher education" has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(10) **LIMITED ENGLISH PROFICIENCY.**—The term "limited English proficiency" has the meaning given the term in section 7003 of the Bilingual Education Act (20 U.S.C. 3223).

(11) **LOW-INCOME FAMILY.**—The term "low-income family" has the meaning given the term "lower income families" in section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)).

(12) **MODERATE-INCOME FAMILY.**—The term "moderate-income family" means individuals or families whose incomes exceed 80 percent but do not exceed 100 percent of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

(13) **OFFENDER.**—The term "offender" means any adult or juvenile with a record of arrest or conviction for a criminal offense.

(14) **QUALIFIED NONPROFIT AGENCY.**—The term "qualified public or private nonprofit agency" means any nonprofit agency that

has significant prior experience in the operation of projects similar to the Youthbuild project authorized under this Act and that has the capacity to provide effective technical assistance.

(15) **RESIDENTIAL RENTAL PURPOSES.**—The term "residential rental purposes" includes a cooperative or mutual housing facility that has a resale structure that enables the cooperative to maintain affordability for low-income individuals and families.

(16) **SECRETARY.**—The term "Secretary" means the Secretary of Housing and Urban Development.

(17) **STATE.**—The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, the Trust Territories of the Pacific Islands, or any other territory or possession of the United States.

(18) **SUPPORTIVE SERVICES.**—The term "supportive services"—

(A) as used in sections 7 and 9, has the meaning given such term under section 431 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11382); and

(B) as used in all other sections, has the meaning given such term in section 4(24) of the Job Training Partnership Act (29 U.S.C. 1503(24)).

(19) **TRANSITIONAL HOUSING.**—The term "transitional housing" means a project that has as its purpose facilitating the movement of homeless individuals and families to independent living within a reasonable amount of time. Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental or physical disabilities and homeless families with children.

(20) **YOUTHBUILD PROJECT.**—The term "Youthbuild project" means any project that receives assistance under this Act and provides disadvantaged youth with opportunities for employment, education, and training in the construction or rehabilitation of housing for homeless and other low-income individuals.

SEC. 15. REGULATIONS.

The Secretary shall issue any regulations necessary to carry out this Act.

SEC. 16. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, \$200,000,000 for each of fiscal years 1991, 1992, 1993, and 1994. Amounts appropriated under this section shall remain available until expended.

MEMBERS OF THE YOUTHBUILD COALITION

National Organizations: ACORN, American Friends Service Committee, National Youth Program, American Youth Work Center, Association for Community Based Education, Children of War, Children's Defense Fund, The Enterprise Foundation, Full Employment Action Council, Housing Assistance Council, Human Environment Center, National Association of Housing Cooperatives, National Association of Service and Conservation Corps, National Child Labor Committee, National Coalition for the Homeless, National Congress for Community Economic Development National Council of La Raza, National Rural Housing Coalition, National Urban League, National Youth Leadership Council, Save the Children Federation, 70,001 Training and Employment Institute, Youth Action.

Alabama: Federation of Southern Cooperatives, Epes, Arizona: Chicanos Por la Causa, Phoenix, California: American G.I. Forum,

Whittier. California Literacy Inc., San Francisco. Centro de la Raza, Long Beach. Chinese Community Housing Corporation, San Francisco. Clare Foundation Teen Center, Santa Monica. Cleland House of Neighborly Service, Los Angeles. Downtown YMCA, San Francisco. East Bay Conservation Corps, Oakland. Escuela de la Raza Unida Blythe. Korean Community Center of the East Bay, Oakland. Los Angeles Service and Conservation Corps. Mendocino County Service and Conservation Corps. Reality House West, San Francisco. San Francisco Conservation Corps. San Francisco Renaissance. San Pedro Service and Conservation Corps. Santa Ana Neighborhood Housing Services. Shred of Dignity, San Francisco. Synergy Building Systems, San Francisco. Tenderloin Neighborhood Development Corporation, San Francisco. Watts Labor Community Action Committee, Los Angeles.

Colorado: Brothers Redevelopment, Inc., Denver. Denver Neighborhood Housing Service, Urban League of Metro Denver. Connecticut: Neighborhood Development Associates, New Haven. Northeastern Connecticut CDC, Danielson.

Florida: Florida Low Income Housing Coalition, Tallahassee. Hillsboro County Adult and Community Education Program, Tampa. Lutheran Social Services of Northeast Florida (H.E.A.R.T.). Miami-Dade Neighborhood Housing Services. New Century Development Corporation, Miami. North Florida Educational and Development Corp, Gretna. Northwest CDC, West Palm Beach. Professional Employment and Training Services, Clearwater. Tallahassee Urban League. Vocational Education, West Palm Beach. Georgia: DeKalb EOA, Decatur. Georgia Housing Coalition, Atlanta. Youth Initiative Project, Brunswick. Illinois: Association House of Chicago. Chicago Coalition on Youth Employment. Chicago Renewal Society. Chicago Student Advisory Council. Community and Economic Development Association of Cook County, Chicago. Demicco Youth Services, Chicago. Eighteenth Street Development Corporation, Chicago. Neighborhood Reinvestment Corporation, Chicago. Warren-Sharp Community Center, Joliet. Iowa: Children's Square, U.S.A., Council Bluffs.

Indiana: Historic Landmark Foundation of Indiana, Indianapolis. The Indiana Youth Institute, Indianapolis. Tree of Life Ministries for Economic Development and Care Center, Gary. Westside Cooperative Organization, Indianapolis. Youth Initiative Project, Brunswick. Kentucky: Kentucky Housing Development Corporation, Manchester. Mayor's Career Resource and Training Center, Lexington. Louisiana: Central City Housing Development, New Orleans. Maine: Building Alternatives, Inc., Portland. Community Employment Project, Portland. Portland West Neighborhood Planning Council. Maryland: CityHomes, Inc., Baltimore. Community Survival Center, Baltimore. District of Columbia Youth Council, NAACP, Oxon Hill. Jubilee Jobs of Baltimore, Montgomery County Service and Conservation Corps. South Baltimore Youth Center.

Massachusetts: Chinese Economic Development Council, Boston. Citizens' Housing and Planning Association, Boston. Dorchester Bay Economic Development Corporation. Just-A-Start, Cambridge. La Alianza Hispana, Boston. Massachusetts Association of CDC's, Boston. Nuestra Comunidad Development Corporation, Roxbury. Nueva Esperanza, Holyoke. Quincy-Geneva Housing Corporation, Dorchester. Salem Harbor CDC, Salem. The Social Policy Research Group, Inc., Boston. The Somerville Corporation,

Inc. Teens As Community Resources, Boston. Tent City Corporation, Boston. Urban Edge Housing Corporation, Roxbury. Worcester Common Ground. YouthBuild Boston. Michigan: Flint Community Development Corporation. Nelson Neighborhood Improvement Association, Muskegon. Operation Self-Determination, Saginaw. Minnesota: Bi-County Action Program, Bemidji. City Incorporated, Minneapolis. National Youth Leadership Council, Roseville.

Mississippi: Community Resource Group, Jackson. Delta Housing, Indianola. MS Housing Coalition, Jackson. Rural CDC, Menden Hall. Missouri: Black Economic Union of Greater Kansas City. YEHS (Youth Education and Health in Soulard), St. Louis. Nebraska: Chicano Awareness Center, Omaha. Omaha Economic Development Corp. Nevada: Nevada Association of Latin Americans, Las Vegas. New Jersey: City of Camden Youth Commission. Enterprise CDC, Jersey City. Newark Apartment Improvement Program. N.J. Dept. of Corrections, Juvenile Services, Trenton. Urban League of Essex County, Newark. New Mexico: South West Organizing Project, Albuquerque. Mana de Albuquerque.

New York: Accord Corp., NYC. Banana Kelly, Bronx. Bedford Stuyvesant YMCA, Brooklyn. Catholic Charities, Syracuse. City Council of Rochester. Coalition for Twenty Million Dollars, 150 member agencies, NYC. Colonial Park Community Services, Inc., NYC. Eastside Improvement Society, NYC. Good Shephard Services, NYC. Henry Street Settlement, NYC. Hope Community Inc., NYC. Pratt Institute Center for Community and Environmental Development, Brooklyn. Rockland Community Action Council, Nanuet. F. and E. Roosevelt Institute, NYC. Steuben Churchpeople Against Poverty, NYC. T-L Youthworks, Inc., Brooklyn. Worker Ownership Resource Center, Elmira. Youth Action Program of the East Harlem Block Schools. Ohio: Association for a Better Community, Canton. Center for Neighborhood Development, Cleveland. El Centro de Servicio Sociales, Lorain. Clark-Metro Development Corp., Cleveland. United Labor Agency, Cleveland. Warren-Trumbull Urban League, Warren. Youngstown Youth Council.

Oregon: Northeast CDC, Portland. Pennsylvania: Center for Mental Health, Reading Hospital and Medical Center. Empty the Shelters, Philadelphia. Germantown Women Educational Project, Philadelphia. GRIT (Girl Renovators in Training), Philadelphia. Habitat for Humanity, Philadelphia. House of Umoja, Inner City Impact, Harrisburg, Philadelphia. Norris Square Civic Association, Philadelphia. Northern Cambria CDC, Barnesboro. Philadelphia Youth Service Corps. Pittsburgh Jobs for Peace. Women's Community Revitalization Project, Philadelphia. South Carolina: Fairfield United Action, Jenkinsville.

Tennessee: Appalachia Service Project, Johnson City. Chattanooga Neighborhood Enterprises, Inc. Woodland Community Land Trust, Clairfield. Texas: Asociacion Pro Servicios Sociales, Laredo. Inner City CDC, Dallas. Mission Service Project, Mission. Utah: Neighborhood Housing Services, Salt Lake City. Vermont: Burlington Youth Employment. Spectrum Inc., Burlington. Vermont Youth Conservation Corps, Waterbury. Virginia: Hispanos Unidos, Falls Church. Wisconsin: Northwest Side CDC, Milwaukee. Centro de la Comunidad Unida, Milwaukee. Washington, D.C.: ARCH (Action to Rehabilitate Community Housing). Council for Community-Based Development. Homelessness Information Exchange. Latin American Youth Center. NAACP Youth Caucus.●

ADDITIONAL COSPONSORS

S. 152

At the request of Mr. COATS, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 152, a bill to amend the Internal Revenue Code of 1986 to increase the personal exemption to \$4,000.

S. 349

At the request of Mr. BUMPERS, the name of the Senator from Indiana [Mr. COATS] 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. 581

At the request of Mr. BOREN, the names of the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. THURMOND], the Senator from Alaska [Mr. STEVENS], the Senator from Oregon [Mr. HATFIELD], the Senator from Illinois [Mr. SIMON], the Senator from Idaho [Mr. CRAIG], the Senator from Maryland [Ms. MIKULSKI], the Senator from California [Mr. CRANSTON], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 581, a bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the targeted jobs credit, and for other purposes.

S. 694

At the request of Mr. HARKIN, the names of the Senator from Alabama [Mr. SHELBY], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 694, a bill to amend title VII of the Public Health Service Act to increase the support provided to programs for the training of medical rehabilitation health personnel, to establish an Advisory Council on Allied Health, and for other purposes.

S. 701

At the request of Mr. COATS, the names of the Senator from Idaho [Mr. CRAIG], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 701, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to \$3,500, and for other purposes.

S. 821

At the request of Mr. LIEBERMAN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 821, a bill to establish the Silvio Conte National Fish and Wildlife Refuge.

S. 827

At the request of Mr. SHELBY, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 827, a bill to credit time spent in the Cadet Nurse Corps during World War II as creditable for Federal civil service retirement purposes for certain annuitants and certain other

individuals not covered under Public Law 99-638.

S. 855

At the request of Mr. GLENN, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 855, a bill to amend the act entitled "An Act to authorize the erection of a memorial on Federal land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean war."

S. 914

At the request of Mr. GLENN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 914, a bill to amend title 5, United States Code, to restore 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. 923

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 923, a bill to amend section 484(d) of the Higher Education Act of 1965 regarding methods for qualifying as an "ability to benefit" student at institutions of higher education and proprietary institutions of higher education, and for other purposes.

S. 1009

At the request of Mr. COATS, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1009, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to \$4,000, and for other purposes.

S. 1072

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of 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.

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th Anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 96

At the request of Mr. RIEGLE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Joint Resolution 96, a joint resolution to designate November 19, 1991, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 107

At the request of Mr. MOYNIHAN, the names of the Senator from Texas [Mr. GRAMM], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 107, a joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

SENATE JOINT RESOLUTION 126

At the request of Mr. HATFIELD, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Nevada [Mr. REID], the Senator from Montana [Mr. BURNS], the Senator from Utah [Mr. HATCH], the Senator from California [Mr. SEYMOUR], the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mr. CRANSTON], the Senator from Hawaii [Mr. INOUE], the Senator from Rhode Island [Mr. CHAFEE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Georgia [Mr. FOWLER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Joint Resolution 126, a joint resolution to designate the second Sunday in October of 1991 as "National Children's Day."

SENATE JOINT RESOLUTION 130

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 130, a joint resolution to designate the second week in June as "National Scleroderma Awareness Week."

SENATE JOINT RESOLUTION 144

At the request of Mr. SPECTER, his name was added as a cosponsor of Senate Joint Resolution 144, a joint resolution to designate May 27, 1991, as "National Hero Remembrance Day."

SENATE RESOLUTION 72

At the request of Mr. KASTEN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Resolution 72, a resolution to express the sense of the Senate that American small businesses should be involved in rebuilding Kuwait.

SENATE CONCURRENT RESOLUTION 39—AUTHORIZING PRINTING OF "THE DOME OF THE UNITED STATES CAPITOL: AN ARCHITECTURAL HISTORY"

Mr. BYRD (for himself and Mr. DOLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 39

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book enti-

tled "The Dome of the United States Capitol: An Architectural History", as prepared by the Office of the Architect of the Capitol.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed with suitable binding 15,000 copies for the use of the Senate and the House of Representatives, to be allocated as determined jointly by the Secretary of the Senate and the Clerk of the House of Representatives.

SENATE RESOLUTION 128—CONDEMNING VIOLENCE IN ARMENIA

Mr. LEVIN (for himself, Mr. DOLE, Mr. PRESSLER, Mr. PELL, Mr. SEYMOUR, Mr. SIMON, Mr. KASTEN, Mr. KENNEDY, Mr. SPECTER, Mr. SARBANES, Mr. WARNER, Mr. DECONCINI, Mr. RIEGLE, Mr. BRADLEY, and Mr. HELMS) submitted the following resolution; which was considered and agreed to:

S. RES. 128

Whereas the Government of the Soviet Union and the government of the Azerbaijan Republic have dramatically escalated their attacks against civilian Armenians in Nagorno-Karabakh, Azerbaijan, and Armenia itself;

Whereas the Government of the Soviet Union has refused Armenia's request to convene a special session of the Union of Soviet Socialist Republics Supreme Soviet to resolve the Nagorno-Karabakh crisis;

Whereas Soviet and Azerbaijani forces have destroyed Armenian villages and depopulated Armenian areas in and around Nagorno-Karabakh in violation of internationally recognized human rights; and

Whereas armed militia threaten stability and peace in Armenia, Nagorno-Karabakh, and Azerbaijan: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Senate:

(1) condemns the attacks on innocent children, women, and men in Armenian areas and communities in and around Nagorno-Karabakh and in Armenia;

(2) condemns the indiscriminate use of force, including the shelling of civilian areas, on Armenia's eastern and southern borders;

(3) calls for the end to the blockades and other uses of force and intimidation directed against Armenia and Nagorno-Karabakh, and calls for the withdrawal of Soviet forces newly deployed for the purpose of intimidation;

(4) calls for dialogue among all parties involved as the only acceptable route to achieving a lasting resolution of the conflict; and

(5) reaffirms the commitment of the United States to the success of democracy and self-determination in the Soviet Union and its various Republics, by expressing its deep concern about any Soviet action of retribution, intimidation, or leverage against those Republics and regions which have chosen to seek the fulfillment of their political aspirations.

NOTICES OF HEARINGS

SUBCOMMITTEE ON REGULATION AND
CONSERVATION

Mr. WIRTH. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Regulation and Conservation Subcommittee of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, June 19, 1991, at 2 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony concerning S. 933, the Natural Gas Ratepayers Relief Act of 1991.

Those wishing to submit written statements for the hearing record should deliver them to the U.S. Senate Committee on Energy and Natural Resources, 364 Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Don Santa of the committee staff at (202) 224-4820.

AUTHORITY FOR COMMITTEES TO
MEETSUBCOMMITTEE ON PROJECTION FORCES AND
REGIONAL DEFENSE

Mr. BENTSEN. Mr. President, I ask unanimous consent that the Subcommittee on Projection Forces and Regional Defense of the Committee on Armed Services be authorized to meet on Friday, May 17, 1991, at 10 a.m., to receive testimony on the current U.S. Marine Corps capabilities, including their capability to respond to potential conflicts in the Third World, in review of the fiscal years 1992-93 national defense authorization request.

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

SUBCOMMITTEE ON STRATEGIC FORCES AND
NUCLEAR DETERRENCE

Mr. BENTSEN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet on Friday, May 17, 1991, at 9:30 a.m., to receive testimony on the Office of Technology Assessment's report on the Department of Energy Environmental Cleanup Program and issues of concern to Department of Energy cleanup contractors, in review of S. 1066, the Department of Defense authorization bill for fiscal years 1992-93.

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC
AFFAIRS

Mr. BENTSEN. Mr. President, I ask unanimous consent that the Subcommittee of East Asian and Pacific Affairs of the Foreign Relations Committee be authorized to meet during the session of the Senate on Friday, May 17, at 10 a.m. to hold a hearing to review the fiscal year 1992 foreign assistance request for Asia.

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

SUBCOMMITTEE ON SUPERFUND, OCEAN, AND
WATER PROTECTION

Mr. BENTSEN. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Ocean and Water Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Friday, May 17, beginning at 10 a.m., to conduct an oversight hearing on implementation of the Safe Drinking Water Act.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BENTSEN. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Friday, May 17, at 9:30 a.m., for a hearing on the subject: mortgage escrow accounts—violations of escrow account limits and loopholes in State requirements for payment of interest on escrow accounts.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BENTSEN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Friday, May 17, 1991, at 1 p.m., for a hearing on the Office of Civil Rights, Department of Education.

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

SUBCOMMITTEE ON EDUCATION, ARTS, AND
HUMANITIES

Mr. BENTSEN. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts, and Humanities of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Friday, May 17, 1991, at 10 a.m., for a hearing on the Higher Education Act reauthorization.

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

ADDITIONAL STATEMENTS

S. 929—AUTHORIZING THE SECRETARY OF THE INTERIOR AND SECRETARY OF AGRICULTURE TO UNDERTAKE CERTAIN PROGRAMS

Mr. JOHNSTON. Mr. President, yesterday S. 929, a bill to authorize the Secretary of the Interior and the Secretary of Agriculture to undertake interpretive and other programs on public lands and lands withdrawn from the public domain under their jurisdiction, was reported to the Senate. This measure, sponsored by the Senator from Wyoming [Mr. WALLOP], was ordered reported unanimously from the Committee on Energy and Natural Resources on May 9. Because this meas-

ure is largely self-explanatory and time sensitive, the committee agreed not to file a written report.

On behalf of myself and Senator WALLOP, I ask unanimous consent that a explanatory statement outlining the purposes and goals of this legislation; a cost estimate prepared by the Congressional Budget Office; and the legislative report of the Department of the Interior concerning this bill appear in the RECORD at this point.

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

EXPLANATORY STATEMENT OF S. 929

During the weekend of June 7-9 there will be a major celebration in the Nation's capital welcoming home our military personnel who served so admirably in Operation Desert Storm.

In the spirit of this celebration, this legislation, S. 929, authorizes and directs the Secretary of the Interior and the Secretary of Agriculture to celebrate the victory and safe return of our military personnel from Operation Desert Storm through appropriate activities and programs on lands under their jurisdiction during the weekend of the celebration.

The primary effect of S. 929 will be to permit the appropriate Secretaries to waive visitor fees during the celebration, and to authorize the temporary suspension of certain other minor regulations, such as permit requirements for public gatherings, and so forth, in order to celebrate and commemorate the return of our troops. The bill provides for secretarial discretion in determining what activities to permit at specific locations, and it is expected that such activities will be carried out in a responsible manner consistent with all other applicable laws and regulations.

CONGRESSIONAL BUDGET OFFICE,

Washington, DC, May 10, 1991.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 929, a bill to authorize the Secretary of the Interior and the Secretary of Agriculture to undertake interpretive and other programs on public lands and lands withdrawn from the public domain under their jurisdiction, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources on May 9, 1991. CBO expects the enactment of this bill to result in no significant cost to the federal government or to state or local governments. The bill would not affect direct spending or receipts, so there would be no pay-as-you-go scoring pursuant to Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

S. 929 would direct the secretaries of Agriculture and the Interior to carry out programs on public lands honoring the military personnel involved in Operation Desert Storm. The designated period for these activities would be June 7 through June 9, 1991. CBO estimates that the costs of implementing S. 929 would be minor and would be funded within the agencies' 1991 operating appropriations.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis and

Theresa Gullo, who can be reached at 226-2860.

Sincerely,

ROBERT F. HALE,
(For Robert D. Reischauer, *Director*).

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, May 13, 1991.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 929, "To authorize the Secretary of the Interior and the Secretary of Agriculture to undertake interpretive and other programs on public lands and lands withdrawn from the public domain under their jurisdiction, and for other purposes."

We strongly recommend the enactment of this legislation.

S. 929 would direct the Secretaries of the Interior and Agriculture, where appropriate, to celebrate the victory and safe return of our servicemen and women from Operation Desert Storm through appropriate activities and programs on lands under their jurisdiction during the weekend of June 7-9, 1991.

We understand S. 929 is intended to authorize the Secretaries of the Interior and Agriculture to suspend temporarily regulations that prohibit, restrict, or require permits for certain uses and activities on Federal lands.

Of the many forms such a celebration would take, we would consider waiving the single-visit entrance fee at the 136 National Park System areas where such a fee is charged. These fees cost from \$1.00 to \$10.00, with most in the \$3.00 to \$4.00 range. As stewards of the national parks, we would be honored to offer our returning servicemen and women a free visit to some of the most beautiful and historic land in this Nation, as a tribute to their role in protecting our Country. While the bill has minor PAYGO implications under the Budget Enforcement Act (less than \$400,000), we have no estimate of the receipts that would be foregone by such action. We would intend to offset any losses with public or private donations that the National Park Service would anticipate receiving as part of the celebratory activity.

In order to clarify that S. 929 is intended to authorize waiving entrance fees for members of the Armed Forces, we recommend that the phrase "and notwithstanding any provision of law" be deleted, and the following language be added at the end of the bill:

"In conducting activities provided for herein, the Secretary of the Interior may waive entrance and admission fees at units of the National Park System for members of the Armed Forces of the United States and their families."

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

CONSTANCE B. HARRIMAN.

Mr. JOHNSTON. I commend Senator WALLOP for his efforts to bring this matter before the Senate and urge my colleagues to support this legislation.●

HONORING OCONOMOWOC HIGH SCHOOL

● Mr. KASTEN. Mr. President, I rise today to call to my colleagues' attention an example of educational excel-

lence—Oconomowoc High School of Oconomowoc, WI.

Oconomowoc High 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 Oconomowoc High School—and especially Principal Gerald Walseth—deserve credit for making it a blue ribbon school. I ask all my Senate colleagues to join me in congratulating them on their achievement.●

HONORING MICHIGAN TROOPS WHO DIED IN DESERT STORM

● Mr. RIEGLE. Mr. President, today I wish to pay tribute to the 15 brave Michigan service members who lost their lives in service to their Nation in support of Operation Desert Storm.

The heroic Michigan servicemen I honor today are Army Cpl. Stanley Bartusiak of Romulus, Marine Cpl. Kurt Benz of Garden City, Army Sgt. Roger Brilinski, Jr., of Ossineke, Navy Boiler Technician Fireman Tyrone Brooks of Detroit, Marine Capt. Jonathan Edwards of Grand Rapids, Army S. Sgt. Steven Mark Hansen of Ludington, Army Spec. Timothy Hill of Detroit, Army Pfc. Aaron Howard of Battle Creek, Marine Lance Cpl. Michael Linderman, Jr., of Lansing, Army Sgt. Kelly Matthews of Buckley, Army Spec. William Palmer of Hillsdale, Army Spec. Kelly Phillips of Madison Heights, Navy Aviation Boatswain's Mate 2c. Marvin Plummer of Detroit, Marine S. Sgt. David Shaw of Harrisville, and Marine Lance Cpl. Tom Tormanen of Milford.

In an hour of grave national crisis, America called hundreds of young Michigan men and women to service. Each one of them answered willingly and with dignity. Each one gave all we asked of them, and more. Fifteen gave their lives.

It is always tragic when a life is lost, especially the life of a young person. But these heroic men lost their lives in acts of bravery in the service of their country. In that we may take pride. They willingly answered the call to serve the United States of America and selflessly gave their lives.

Their families were called upon as well to make the most heartbreaking sacrifice. And in the grandest gesture of patriotism, they stood behind their loved ones and supported them even in the face of imminent danger. The families of service members involved in Operation Desert Storm are to be commended, and the families of the 15 honored men from Michigan are to be respected and praised for their strength and character.

As the people of Michigan mourn the loss of these young men, we are proud to have called them neighbors and friends. As a nation we are indebted to

these men and their families. They have given to the people of the United States something we hope never to ask of another American.

As a nation, when we ask an American family to sacrifice a loved one for their country, we can ask for nothing greater. This debt may never be repaid except in our hearts, in our minds, and in our prayers.●

AUTHORIZING THE PRINTING OF A SENATE DOCUMENT

Mr. BENTSEN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Concurrent Resolution 39 submitted earlier today by Senators BYRD and DOLE.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 39) to authorize the printing of "The Dome of the United States Capitol: An Architectural History," prepared by the Office of the Architect of the Capitol.

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

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

Mr. BYRD. Mr. President, from 1993 through the year 2000, Congress and the Nation will observe the 200th anniversary of the construction of the U.S. Capitol—from the placement of the first cornerstone to the arrival of Congress to take up permanent residence in the Capitol.

Planning for this significant 7-year anniversary began 3 years ago with the establishment of the U.S. Capitol Preservation Commission, which I am pleased to cochair with the Speaker of the House of Representatives.

Recently, Congress published two major documents on the U.S. Capitol. One is a brochure—the first of its kind—that offers visitors a general description of the building's history, architecture, and legislative functions. The second is a 36-page booklet entitled "The United States Capitol: A Brief Architectural History," prepared by William Allen, architectural historian in the Office of the Architect of the Capitol.

Today, Mr. President, I am pleased to submit a concurrent resolution, along with Senator ROBERT DOLE, to authorize the printing of a third important publication recounting the Capitol's architectural history—William Allen's "The Dome of the United States Capitol," and I note that this measure has been cleared with the majority leader and the Republican leader of the Senate.

Building the Capitol dome was one of the most ambitious undertakings in the history of American architecture and engineering. The talents, deter-

mination, ingenuity, and plain hard work of many persons were brought to bear on this singular structure, which is the object of great pride and patriotism. Now, in Mr. Allen's manuscript, we have the story of the dome, the history of its inception, the fascinating details of its construction, a rare insight into the human struggle that it seemed to foster, and a portrayal of its triumphant completion. Most of this history is heretofore untold, and allows for a true appreciation of the Capitol dome as an architectural masterpiece. The publication of this informative work will give the American public a better opportunity to know and appreciate this history.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 39) was agreed to, as follows:

S. CON. RES. 39

Resolved by the Senate (the House of Representatives concurring). That there shall be printed as a Senate document, the book entitled "The Dome of the United States Capitol: An Architectural History", as prepared by the Office of the Architect of the Capitol.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed with suitable binding 15,000 copies for the use of the Senate and the House of Representatives, to be allocated as determined jointly by the Secretary of the Senate and the Clerk of the House of Representatives.

Mr. BENTSEN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

CONDEMNING VIOLENCE IN ARMENIA

Mr. BENTSEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 128, a resolution concerning the violence in Armenia submitted earlier today by Senators LEVIN, DOLE, SIMON, PRESSLER, KENNEDY, SEYMOUR, PELL, KASTEN, DECONCINI, WARNER, RIEGLE, HELMS, BRADLEY, SPECTER, and SARBANES.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 128) condemning violence in Armenia.

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

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

Mr. LEVIN. Mr. President, I am submitting this resolution today along with Senators DOLE and MITCHELL, and others, because of my continued and deep concern about the conflict be-

tween Armenia and Azerbaijan, and the resulting turmoil in and around Nagorno-Karabakh.

This is a tragic situation, with roots deep in history. This resolution calls for dialog among all parties, because such a bitter and complex conflict will never be solved by violence. Violence begets violence, in a never-ending cycle. To achieve a lasting and just settlement, dialog and accommodation will be required.

This resolution reconfirms the commitment of the United States to seeing the success of democracy and self-determination in the Soviet Union. All Americans, and indeed people throughout the world, have a vested interest in seeing that the current dramatic changes in the Soviet Union continue along the path of reform, democracy, and free markets.

Because of that, this resolution condemns the Soviet involvement in indiscriminate use of force against civilians, and calls for the end to the blockades that have been used to isolate, punish, and intimidate Armenia. The blockades must end. The violence must end. The attacks against innocent civilians must end. The destruction and depopulation of villages must end. The hatred must end.

Mr. President, this resolution condemns violence and calls for dialog and resolution as the only path to a lasting peace. I urge its adoption.

Mr. DOLE. Mr. President, I am pleased to join Senator LEVIN as the original cosponsor of this important resolution.

The people of Armenia must wonder whether their suffering will ever end.

In December 1988 Armenia was struck by a massive earthquake, which killed tens of thousands and left homeless hundreds of thousands more. More than 2 years after that disaster, a half million remain homeless, and the economy is only just beginning to recover from the widespread destruction.

At the same time, Armenia has been engaged in an ongoing and increasingly violent confrontation with the neighboring Republic of Azerbaijan. Aided and abetted by Soviet forces, the Azeris have decimated the largely Armenian population of the Nagorno-Karabagh region, killing thousands and generating a wave of internal refugees which numbers more than 200,000. They have also blockaded ground transportation into Armenia, dramatically setting back the efforts at earthquake reconstruction.

Compounding the problem, the Soviet Government—for both political and economic reasons—has now stopped all funding for earthquake relief, just as the oft-delayed relief effort of the central government was getting underway. What the Kremlin has said to the Armenian people, in effect, is—you are on your own.

And the tragedy does not end even there. Several weeks ago, a second quake—centered in the Republic of Georgia—again struck northwest Armenia, in some cases knocking reconstruction from the 1989 quake back to square one.

And now a new Soviet-Azeri offensive has not only brought new death and bloodshed to Nagorno-Karabagh, but has spilled over into direct aggression against border villages inside Armenia—several of which have been literally razed by Soviet artillery assaults. Simultaneously, 2,000 Soviet paratroops were dropped into Yerevan, the capital of Armenia, ostensibly to safeguard facilities of the Central Government—but more likely intended to intimidate the people of Armenia in their own capital.

Mr. President, in the context of all that tragedy, this is a modest resolution, indeed.

It condemns the new Soviet-Azeri aggression, both in Nagorno-Karabagh and on the border villages.

It demands the immediate withdrawal of the forces sent into Yerevan, whose presence does not prevent, but is an open invitation to new bloodshed.

And it reaffirms that the United States insists that the Soviet Union deal with its constituent Republics in a responsible and humane way—specifically desisting from the kind of aggression, intimidation and retribution which is being used against Armenia.

Mr. President, man cannot prevent those tragedies wrought by nature.

But man can prevent those caused by man. And many of the tragedies which have befallen the people of Armenia have been caused by men—a very few men, acting irresponsibly in the Kremlin and in Azerbaijan.

Mr. President, I urge the unanimous adoption of this resolution.

VIOLENCE IN ARMENIA

Mr. KENNEDY. Mr. President, I give my strong support to the resolution submitted by Senators LEVIN and DOLE condemning the latest round of violence in Armenian and Azerbaijan.

Since 1988, the world has witnessed anti-Armenian pogroms in Azerbaijan during which hundreds of Armenians have been killed and over 300,000 have been forced to flee that area and seek refuge in Armenia and Russia. These latest attacks have brought new tragedy and suffering to the Armenian people.

Recent clashes initiated by Azerbaijani police units have resulted in the deaths of at least 60 Armenians, the wounding of over 100 others, the kidnaping of more than 150 hostages, and wide-scale destruction of property. Particularly troubling are reports that Soviet troops are supporting Azerbaijanis and firing upon Armenian ci-

vilians as a means of punishing Armenia's proindependence leadership.

In light of these reports and the brutality of the recent outbursts, the Soviet Government should publicly condemn the use of force, emphasize its desire for a peaceful resolution of the centuries-old dispute between the Armenians and the Azerbaijanis, and redouble its efforts to settle this conflict. The use of violence or coercion against the Armenian people is clearly unacceptable.

As a nation that is striving for greater democratic freedoms and seeking to demonstrate to the international community that it cares about human rights, the Soviet Union must take steps to protect, not punish, the Armenians.

America has always stood for human rights and human dignity—for our citizens and for all peoples throughout the world. We must not now ignore the plight of the long-suffering Armenian people. I urge my colleagues to support this important and timely resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 128) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 128

Whereas the Government of the Soviet Union and the government of the Azerbaijan Republic have dramatically escalated their attacks against civilian Armenians in Nagorno-Karabakh, Azerbaijan, and Armenia itself;

Whereas the Government of the Soviet Union has refused Armenia's request to convene a special session of the Union of Soviet Socialist Republics Supreme Soviet to resolve the Nagorno-Karabakh crisis;

Whereas Soviet and Azerbaijani forces have destroyed Armenian villages and depopulated Armenian areas in and around Nagorno-Karabakh in violation of internationally recognized human rights; and

Whereas armed militia threaten stability and peace in Armenia, Nagorno-Karabakh, and Azerbaijan: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Senate:

(1) condemns the attacks on innocent children, women, and men in Armenian areas and communities in and around Nagorno-Karabakh and in Armenia;

(2) condemns the indiscriminate use of force, including the shelling of civilian areas, on Armenia's eastern and southern borders;

(3) calls for the end to the blockades and other uses of force and intimidation directed against Armenia and Nagorno-Karabakh, and calls for the withdrawal of Soviet forces newly deployed for the purpose of intimidation;

(4) calls for dialogue among all parties involved as the only acceptable route to achieving a lasting resolution of the conflict; and

(5) reconfirms the commitment of the United States to the success of democracy and self-determination in the Soviet Union and its various Republics, by expressing its deep concern about any Soviet action of retribution, intimidation, or leverage against those Republics and regions which have chosen to seek the fulfillment of their political aspirations.

Mr. BENTSEN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. BENTSEN. Mr. President, I ask unanimous consent that committees may file reported Legislative and Executive Calendar business on Thursday, May 30, from 12 noon to 3:30 p.m.

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

ORDER FOR RECORD TO REMAIN OPEN

Mr. BENTSEN. Mr. President, I ask unanimous consent that the RECORD remain open today until 3 p.m. for the introduction of bills and statements.

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

NATIONAL SENIOR NUTRITION WEEK

Mr. BENTSEN. I ask unanimous consent the Judiciary Committee be discharged from further consideration of House Joint Resolution 141, a joint resolution designating the week of May 13, 1991, as "National Senior Nutrition Week"; that the Senate proceed to its

immediate consideration, that the joint resolution be deemed read a third time, passed; the preamble be agreed to, and that the motion to reconsider be laid on the table.

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

The joint resolution (H.J. Res. 141) was considered, deemed read the third time, and passed.

ORDERS FOR MONDAY

Mr. BENTSEN. Mr. President I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m., Monday, May 20; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to exceed beyond 2:30 p.m., with Senators permitted to speak therein for up to 5 minutes each; that at 2:30 p.m. the Senate resume consideration of S. 3.

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

RECESS UNTIL MAY 20, 1991, AT 2 P.M.

Mr. BENTSEN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as under the previous order until 2 p.m., Monday, May 20.

There being no objection, the Senate at 1:58 p.m., recessed until Monday, May 20, 1991, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate May 17, 1991:

THE JUDICIARY

STERLING JOHNSON, JR., OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK VICE JOSEPH M. McLAUGHLIN, ELLEVATED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JAMES B. DAVIS, ~~xxx-xx-xx~~, U.S. AIR FORCE.

EXTENSIONS OF REMARKS

THE 45TH ANNIVERSARY OF THE NUREMBERG WAR CRIME TRIALS—THE ISSUES ARE STILL RELEVANT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 17, 1991

Mr. LANTOS. Mr. Speaker, the Nuremberg Reunion Committee recently commemorated the 45th anniversary of the judgment at Nuremberg. The distinguished justices of the Nuremberg trials established the principles under which the conduct of those participating in war must be judged. Those principles are not relics. The distinguished justice at Nuremberg, Robert H. Jackson remarked, "No history of this era can be entitled to authority which fails to take into account the record of Nuremberg."

Mr. Speaker, the Nuremberg precedent is most relevant today. It is time for the civilized world to hold Saddam Hussein and his henchmen to the standard of international law established at Nuremberg; he is guilty of grievous crimes against peace, war crimes, and crimes against humanity. He has tortured, he has murdered, and he has committed mass extermination.

Iraq is a signatory of most international treaties which dictate the conduct of war. As leader of Iraq, Saddam Hussein is obligated to observe those treaties. The litany of his violations is contemptible. Iraq, as a signatory of the United Nations Charter, accepted the obligation to refrain "from the threat or use of force against the territorial integrity or political independence of any state." Iraq is a signatory of the Geneva Convention relative to the protection of civilian persons in the time of war. Iraqi authorities have violated international law through the use of chemical weapons against their own citizens. Saddam Hussein has violently breached his obligation to the international community. He must be held accountable.

Recently on the 45th anniversary of the Nuremberg trials many of those who were involved met to mark the occasion. The Nuremberg Reunion Committee recognized the monumental urgency of bringing Saddam Hussein to justice. It rightly calls for the adherence to the standards they established in confronting the criminals of the Third Reich. Failure to try, convict and punish those responsible for the grievous crimes committed by the Iraqi regime would set a dangerous precedent.

Just as it was moral and right for the United Nations to act and liberate Kuwait from the grip of Saddam Hussein, it is obligated—ethically and legally—to hold the perpetrators of Iraqi violations responsible for their actions. No man or nation is exempt from these standards of justice.

Mr. Speaker, I ask that the resolution drafted by the Nuremberg Reunion Committee to

be entered into the RECORD. I urge my colleagues to give it the attention it deserves:

RESOLUTION

We, former members of the staff of the United States for the prosecution of the major German war criminals before the International Military Tribunal and in the twelve subsequent trials at Nuremberg, Germany, at the end of World War II:

Recalling, that the Charter and Judgment of the International Military Tribunal declared that individuals found guilty of crimes against peace, war crimes or crimes against humanity are punishable regardless of their official positions, and noting that the General Assembly of the United Nations, of which Iraq is a member, has affirmed unanimously the principles of International Law recognized by the Charter and Judgment of the International Military Tribunal, and

Noting, that the Geneva Conventions of August, 1949, to which Iraq is a signatory, set forth explicit restrictions upon, and requirements for treatment by, belligerents of prisoners of war, hostages and civilians and prohibit destruction of property not justified by military necessity, and

Believing, that there is substantial credible evidence that the leaders of Iraq have planned, initiated and waged Aggressive War against Kuwait and that, in the course of that war, they and numerous individuals have committed acts declared to be crimes under principles of International Law have violated the provisions of the Geneva Conventions and have breached obligations imposed upon them as members of the United Nations,

Convinced, that failure to investigate, prosecute and punish the perpetrators of these crimes would seriously diminish the stature of the United Nations and undermine International Law as a force for prevention of Aggressive War and related crimes,

Urge, that the United Nations, the United States and its coalition partners and all peace-loving nations take all appropriate action to investigate, indict, prosecute and punish those Iraqi nationals who have planned and prosecuted Aggressive War against Kuwait or committed War Crimes or Crimes Against Humanity in the course of that war in violation of the Nuremberg principles, the United Nations Charter, the Security Council Resolutions or of International Conventions of which Iraq is a signatory.

Adopted at a reunion held in Washington, D.C., March 23, 1991.

CHINA DOES NOT DESERVE MFN STATUS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 17, 1991

Mr. SOLOMON. Mr. Speaker, the issue of whether to extend most-favored-nation trade status to China for another year will soon be coming before Congress. A.M. Rosenthal of

the New York Times made an important contribution to the forthcoming debate on this issue in his column that appeared in the May 14 edition of the Times.

Mr. Rosenthal noted that China currently enjoys a huge trade surplus with the United States, thanks to most-favored-nation status, and he declares that "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."

Mr. Rosenthal also takes note of former President Carter's recent trip to China. Although Mr. Carter claims to have spoken with Chinese officials about human rights conditions in that country, he nevertheless endorsed continuing to give most-favored-nation status to the dictatorship in Beijing.

The former President is evidently still wearing the same ideological blinders he was sporting back in 1977, when he blithely told an audience at the University of Notre Dame that "we are now free of that inordinate fear of communism which once led us to embrace any dictator who joined us in that fear."

Until 2 years ago, the Chinese Communists were the Western liberal intelligentsia's favorite Communists. All of those notions perished in the flames of Tiananmen Square, but a few people still insist on looking at China through a fog of wishful illusions.

Former President Carter even goes so far as to say that the West should not become self-satisfied because Socialist countries such as Communist China guarantee their citizens the right "to have a decent home, a job, and adequate health care." A.M. Rosenthal correctly observes, however, 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."

In the days ahead, as Congress considers the question of whether to renew China's most-favored-nation status, we will be better off paying heed to the words of President Ronald Reagan, also spoken at Notre Dame, in 1981:

The years ahead are great ones for this country, for the cause of freedom, and the spread of civilization. The West won't contain communism, it will transcend communism. It won't bother to dismiss or denounce it, it will dismiss it as some bizarre chapter in human history whose last days are even now being written.

It is the confident assertions of Ronald Reagan, not the confused ramblings of Jimmy Carter, that define the geopolitical realities of our time.

Mr. Speaker, I ask that the full text of A.M. Rosenthal's column appear at this point in the RECORD:

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

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

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 early 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 point 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.

IT IS TIME TO STRENGTHEN CONGRESSIONAL OVERSIGHT OF THE CIA

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 17, 1991

Mr. CONYERS. Mr. Speaker, today I am introducing a bill amending the Central Intelligence Agency Act of 1949 to require that the President obtain the advice and consent of the Senate in appointing six senior officials of the Central Intelligence Agency.

The purpose of this bill is to strengthen congressional oversight of the CIA by requiring these key decisionmakers to undergo the same confirmation process that is used with comparable levels in other executive branch departments and agencies. My bill would extend congressional scrutiny to include these critical appointments, and thus help reinforce public accountability by the CIA.

As an independent and coequal branch of Government, Congress has a constitutional responsibility to oversee the operations of the executive branch—even those of its most secret agency.

On too many occasions the CIA has operated outside the normal checks and balances in our constitutional system. In my view, requiring the President to secure the advice and consent of the Senate in appointing these officials is a long overdue step toward assuring the proper balance between the two branches.

Six senior positions in the Central Intelligence Agency, comparable to Assistant Secretaries in other executive departments, are included in these amendments:

- First, the Deputy Director for Operations;
- Second, the Deputy Director for Intelligence;
- Third, the Deputy Director for Science and Technology;
- Fourth, the Deputy Director for Administration;

Fifth, the Deputy Director for Planning and Coordination; and

Sixth, the General Counsel.

These senior CIA officials play critical roles in setting the policy and conducting the operations of that Agency. The public interest demands that the architects of those secret activities be fully accountable to the American people, and I am confident that including them in the confirmation process is one way of enhancing accountability.

The text of my bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

"SEC. 20. APPOINTMENT OF CERTAIN OFFICIALS BY THE PRESIDENT.

"(a) PRESIDENTIAL APPOINTMENTS.—The President shall appoint, by and with the advice and consent of the Senate, the following officers of the United States who shall serve within the Central Intelligence Agency:

- "(1) The Deputy Director for Operations.
- "(2) The Deputy Director for Intelligence.
- "(3) The Deputy Director for Science and Technology.
- "(4) The Deputy Director for Administration.
- "(5) The Deputy Director for Planning and Coordination.
- "(6) The General Counsel.

"(b) QUALIFICATIONS FOR APPOINTMENT.—Appointments under subsection (a) shall be made without regard to political affiliation and shall be limited to persons with substantial prior experience and demonstrated ability in the field of foreign intelligence or counterintelligence or, in the case of the General Counsel, to persons either with substantial prior experience and demonstrated ability in the field of foreign intelligence or counterintelligence or in a related area of the law.

"(c) BASIS FOR REMOVAL.—Notwithstanding section 102(c) of the National Security Act of 1947 (50 U.S.C. 403(c)), any individual appointed pursuant to this section shall serve at the pleasure of the President and may be removed from office only by the President."

THE RIGHT TO PRIVATE ACTION

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 17, 1991

Mr. GUARINI. Mr. Speaker, this is an idea whose time has come. Dumped foreign imports continue to threaten our industries. Consequently, I am introducing legislation which will allow private parties injured by dumped imports to sue for damages. It corrects one of the serious gaps in our current trade laws—the inability to counteract past injury caused by dumping. The legislation will allow any private firm or union injured by dumped imports within the last 2 years to sue for damages.

While it does not require a determination of injury from the International Trade Commission, it provides for a presumption of economic loss by an individual firm or union if the ITC has already made an injury determination. Damages would be awarded directly to the injured firm or union.

This legislation eliminates entirely any potential conflict with our international obligations. It does not involve any direct Government action; it provides for the award of damages for past damages rather than the retroactive collection of antidumping duties; and it prohibits the award of damages and the collection of antidumping duties for the same action of dumping.

I. PROBLEMS WITH EXISTING LAWS: RETROACTIVE RELIEF AND DIRECT COMPENSATION

Currently, our trade laws provide only future relief for injury caused by unfair trade practices. When a U.S. firm brings a dumping case, it must wait at least 6 months before antidumping duties can be collected, and duties can only be collected from that point forward. Any injury that has occurred before then is beyond reach.

Inventory dumping: There are different ways that foreign firms can take advantage of the lack of retroactive relief. One is the practice known as inventory dumping.

With the increasing globalization of trade, many foreign firms have set up U.S. subsidiaries where they stockpile huge inventories and are able to dump merchandise in the United States long after it is imported. Even though our agencies currently attempt to tie the date that merchandise is sold to the date that it is entered, it is often impossible to make this correlation. The result is that Customs can often only identify merchandise according to the date that it is entered. Merchandise that is sold today, but which was entered much earlier, escapes duties.

As a result, foreign firms that build up huge inventories in their U.S. warehouses can dump with impunity. If a U.S. industry seeks relief, it can only hope for future relief. Current law allows Customs, in extraordinary circumstances, to go back a maximum of 90 days to collect duties, but this provision is rarely invoked.

Long-term contracts: Another instance where the lack of retroactive relief can prove detrimental to U.S. industries is the case where long-term contracts are awarded well before merchandise is actually imported. If this underbidding takes place long before an antidumping petition is filed, a U.S. industry will not be able to get relief under current law.

Hit-and-run dumping: Yet another practice that foreign firms can take advantage of is so-called hit and run dumping. This is a type of sporadic dumping that occurs either at certain times of the year or at certain points in a business cycle. This type of dumping can go undetected in two ways. If a U.S. industry files a petition at the wrong time of the year, such sporadic dumping may not be picked up by our enforcement agencies. Additionally, if the dumping occurs at such sporadic intervals, it may not be sufficient to prove injury.

Difficulty in showing injury: Even if these single acts of dumping are somehow captured under current law, our industries may still not be able to show that they have been injured. In order to make a finding of injury, the International Trade Commission analyzes trends over the past 5 or 6 years. The practice of examining such a long track record can allow foreign firms to dump in the United States for years before being detected.

A single massive unfair Trade Act, which could be enough to jeopardize the existence

of a U.S. industry, might not be sufficient to show a pattern of injurious dumping sufficient to satisfy the standards of the ITC. Even if it were, that past dumping action would be unreachable because under our current trade laws we can only collect duties prospectively. By the time duties are legally collectible, the U.S. industry may have already been injured beyond repair. This gaping hole in our trade laws must be corrected.

Lack of direct compensation: A second problem with existing trade laws is that the very companies and workers that are injured from dumping never see any direct compensation. There is only indirect relief in the form of dumping duties that discourage importers from buying dumped foreign merchandise in the future. The proposed legislation will award damages directly to the firms and workers affected by the dumped merchandise.

II. INDUSTRIES AFFECTED BY GAP IN EXISTING LAWS

The many industries in the United States that have been injured by unfairly traded goods are familiar to the Members of this body. They cut across all districts and all States. What is less familiar is the adverse impact that the lack of retroactive relief under current law has had on those industries.

Consumer electronics: The classic example of irreversible damage done to a U.S. industry is the consumer electronics industry. In the 1970's foreign firms began to dump televisions in this country so extensively that by the 1980's they completely dominated the market. Today there is only one domestic manufacturer of TV's left in the United States. By the time the U.S. Government began to apply the antidumping laws effectively, which was not until 1980, the damage had already been done.

The domestic television industry should have been entitled to full and adequate damages to compensate for the injury it had suffered earlier. If the industry had been able to sue for past damages, and if foreign firms had been faced with the threat of discriminatory pricing lawsuits, we might still have a vibrant consumer electronics industry today.

Steel and other traditional industries: This is a familiar tale, and it could be told of other industries as well. Overcapacity in the steel industry in the late 1970's and early 1980's caused foreign firms to dump extensively in the United States, the most open market in the world. The survival of the domestic steel industry became such a critical issue that the Reagan administration was forced to take the extraordinary measure of negotiating a series of voluntary restraint agreements with our major trading partners.

The agreements have returned the industry to profitability, but they might not have been necessary if foreign firms had been subject to some pricing discipline in the form of the threat of lawsuits for private damages. When the agreements expire next year, our industry will have to contend with the same sort of discriminatory pricing pressures unless we enact this right to private action legislation now.

Dumping has imperiled many other industries, from textiles, footwear, and various chemical products to agricultural goods. Recently, we have seen new and developing technologies come under the threat of unfair foreign competition.

Semiconductors: The semiconductor industry was at risk of suffering the same fate as the consumer electronics industry. Unfairly priced foreign imports threatened and viability of our domestic chip manufacturers. Existing dumping laws would not have been sufficient to combat the pricing practices of the Japanese because new generations of computer chips are developed so fast that by the time an industry is able to bring an antidumping case, a new generation has been developed and the product under examination is obsolete.

Instead, a groundbreaking agreement had to be negotiated between the United States and Japan to provide temporary relief to our industry. Relief to injured parties should not have to reach the level of an international negotiation. A simple private action remedy would give all industries, regardless of how small, and regardless of how much political clout they can muster, adequate relief when the need arises.

New technologies: Now we are seeing the Japanese move into new key technologies. Already there has been a dumping case filed on flat-panel displays, a product that is expected to have extensive use in future generations of televisions, computers, and military technology.

Another product that will be crucial to maintaining our competitive edge is high definition television, a product with rapidly developing technology that could easily follow the path of other consumer electronics products. We must act now to prevent this from happening.

A right to private action for past injury will provide the kind of remedy that domestic firms need to protect them from the predatory pricing practices of foreign firms. It would act as a deterrent to foreign firms and force them to impose some pricing discipline on their sales in the U.S. market at all times, not just when they know that a dumping petition is looming. If foreigners do not heed the deterrent, they will be subject to lawsuits for past damages.

This deterrent will provide a crucial link in an incomplete chain of trade laws. It may be the one law that could have saved our consumer electronics industry and countless others from virtual destruction. Let us not see flat panel displays, HDTV, and other new, far-reaching technologies go the way of our consumer electronics industry.

III. GATT CONSISTENCY

Previous versions of this legislation elicited objections from the administration as well as from several expert witnesses that the bill was inconsistent with the GATT. I have revised the current bill specifically to address these concerns. I have the utmost respect for the principles that the GATT stands for, and I believe strongly that our laws governing international trade should be in full compliance with those principles.

Remedies for dumping: One of the major objections raised earlier was that the GATT does not permit any remedy for dumping other than the collection of antidumping duties. I believe that this provision in the GATT refers only to action taken by the contracting parties themselves, that is, specific Government action, such as the imposition of duties, suspension of liquidation of imports, and injunctions imposed on future entries of goods.

A private right of action provides an opportunity for an individual party to institute a proceeding against another private party for damages. It does not involve the Government in any exercise of its jurisdiction at the border. There will be no duties collected, no requirement for an industrywide determination of injury—although such a determination will create a presumption of injury to an individual party—no public interest requirement, and no other requirement for any action normally associated with the functions of Government. Therefore, I believe that this legislation will not violate the GATT.

Retroactivity: Another objection that was raised earlier is that the GATT does not permit the collection of antidumping duties retroactively. The legislation that I am proposing does not involve the collection of antidumping duties, but the potential awarding of damages. No Government action at all is involved, save the judgment of an impartial court in settling a dispute between two private parties. Since no antidumping duties will be collected for past injury, I see no contradiction with any GATT provision.

Maximum dumping penalties: Earlier versions of the bill were also criticized for being inconsistent with the GATT prohibition against collecting duties greater than the actual dumping liability. To avoid this possibility, the proposed legislation specifically prohibits collecting both dumping duties and damages for the same action of dumping.

IV. ANTITRUST AND NATIONAL TREATMENT

This legislation will actually enhance the GATT consistency of our trade laws. The principle of national treatment is well established in the GATT. It means that a country will provide the same treatment to foreign goods as it does to domestic goods. Our antitrust laws prevent companies from price discriminating among domestic buyers. The dumping laws are the international equivalent of our antitrust laws. Even though the 1916 Antidumping Act contains a similar prohibition against price discrimination in international trade, the 1916 law has been virtually a dead letter.

Domestically, there are no sales that are exempt from the antitrust laws. Yet, when foreign firms sell their products here, only sales made after our agencies make a finding of dumping are subject to dumping duties. All dumped sales made up to that point are effectively exempted from the laws. This obvious anomaly must be corrected. The right to private action will correct it and close this gaping hole in our trade laws once and for all.

V. SUMMARY

In order to promote the health and competitiveness of our domestic industries, we must start by creating an environment where they can develop and prosper without fear of unfair foreign competition forcing them out of business before they can get their products off the ground. Too many times we have seen our industries develop innovative technologies, begin mass production, and then, the minute they start to market their product, lose their competitive edge to foreign firms engaging in dumping. Under current law, foreign firms know they can play this cat-and-mouse game for several years before suffering any consequences. We must put a stop to this vicious cycle now.

A right to private action, fully consistent with our international obligations under the GATT, would do just that. It is an indispensable addition to our body of trade laws. It will provide the necessary deterrent to force foreign firms to think twice before dumping in the United States. At the same time, it would funnel monetary awards directly to the injured party. For these reasons, I urge the Members of this body to lend their unwavering support to this important legislation.

THE ONGOING STRUGGLE FOR DEMOCRACY IN YUGOSLAVIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 17, 1991

Mr. LANTOS. Mr. Speaker, the ethnic tensions in Yugoslavia have repeatedly come to the fore in recent months and the international news media have given the clashes between various nationalities top billing. What is not as readily apparent, however, is that the ethnic clash is even more importantly becoming a conflict between democracy and the remnants of Titoite communism. Serbs, for the most part, are linked with the hard-line remnants of Communist Croats, Slovenes, and ethnic Albanians are lining up with those forces that are seeking democratic change in Yugoslavia.

Just yesterday, we saw the latest example of the hard-line pro-Communist forces lining up with Serbian nationalists. The Titoist Constitution provides for a collective presidency to serve as Yugoslavia's highest state authority. Eight representatives of the country's six republics and its two autonomous regions serve in the collective presidency, with the presidency of the group rotating annually so that the representative of each republic and region presides for 1 year every 8 years.

Yesterday, Mr. Speaker, the Serbian representative, Borisav Jovic, who has served for the past year as president of the collective group, led the pro-Serbian bloc in a vote which prevented the installation of the Croatian representative, Stipe Mesic, whose turn it was to serve as head of the group. Significantly, Mr. Mesic would be the first non-Communist president of the collective presidency—he would be the first democratically elected president of the group.

Mr. Speaker, we are seeing serious antidemocratic tendencies coming to the fore among the Serbs in Yugoslavia. The manipulation of Serbian nationalism by antidemocratic leaders who are remnants of Titoite communism is threatening civil strife, heightening ethnic tensions between Serbs and Croats in Croatia and elsewhere throughout Yugoslavia, and intensifying repression of ethnic Albanians in the region of Kosova.

Mr. Speaker, it is important that we make clear to these Yugoslav and Serbian officials that respect for democratic liberties and human rights is essential. The remnants of the Communist totalitarian dictatorship must give way to democracy. Serbian leaders must know that the future is with those who support democracy and civil rights, and those who fan the flames of ethnic hatred and stoke the

coals of Communist totalitarianism will themselves be burned.

IN APPRECIATION OF THE U.S. COAST GUARD

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 17, 1991

Mrs. BOXER. Mr. Speaker, I rise today to recognize the vital efforts of the men and women of the U.S. Coast Guard.

The Coast Guard's primary mission is protecting lives and property at sea. This mission includes search and rescue operations, aiding navigation, and boating safety programs. These are responsibilities we are all familiar with and appreciative of, yet the Coast Guard is responsible for much more.

For instance, in cooperation with National Marine Fisheries Service, the Coast Guard enforces the Nation's fisheries laws and international treaties. The Coast Guard currently maintains regular patrols of our most heavily utilized fishing grounds. Its role in law enforcement will continue to grow as pressures on our fisheries continue to increase.

The Coast Guard also has an increasingly significant role to play in the Nation's defense preparedness. As the United States draws down military force levels overseas, the Coast Guard will provide a viable sealift capability and an ability to secure U.S. ports that would be necessary to any mobilization effort.

As the needs of our Nation have changed, the Coast Guard has continued to adjust and accommodate. In 1986, it helped fight the war on drugs by restructuring and reorganizing resources to halt maritime drug trafficking.

More recently, the Coast Guard has responded to oil spills in Prince William Sound, Huntington Beach, Newport, Santa Monica, and the Delaware Bay. Now after 15 years of consideration by the House and Senate, a comprehensive oil spill bill, addressing oil spill response as well as prevention, has finally been enacted with the Coast Guard playing a key role in the implementation of the bill's provisions.

As the newly appointed chair of the subcommittee with oversight jurisdiction over the Coast Guard, it is my pleasure to herald the importance and necessity of this vital agency.

The Coast Guard is a truly unique Government agency because of its diversity of peacetime and humanitarian missions. Please join me in demonstrating our appreciation and recognition of the men and women of the Coast Guard and the vital work they perform.

ANA MARIA PERERA: LEADER FOR HISPANIC WOMEN'S RIGHTS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 17, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, Ana Maria Perera has been a lifelong proponent for the advancement of Hispanic women and

other humane causes. Professionally, she has excelled in both the public sector and with the diplomatic services. Ms. Perera is currently special assistant to the Office of Civil Rights' Undersecretary of Education where her advocacy of civil rights has become a full time job. Recently, the Coalition of Hispanic American Women highlighted her achievements in their newsletter. That article follows:

In terms of Hispanic women's rights, Ana Maria Perera's track record is very difficult to match. A federal official with a long and distinguished career, Perera has dedicated a great deal of her free time to the fifty civic organizations to which she belongs.

Currently a special assistant to the Office of Civil Rights' Undersecretary of Education, Ana Maria's outstanding work has earned the recognition of the U.S. Office of Education on three separate occasions in the last few years.

After obtaining degrees in law and education in Cuba, a very young Ana Maria Perera initiated her professional career as a member of the technical staff assigned to the Organization of American States' Educational Division. Later on, she worked in Cuba's permanent mission to the United Nations where she remained until 1961, when she sought political asylum in the United States.

"I fully understood that if I prepared myself for a good position in the diplomatic service, I would have the opportunity to travel, experience other cultures and learn new things that would help me serve my country and others," Perera declares regarding her early career in the field of diplomacy. "Serving others is what I have done all through my professional career in this country . . . serving those who need help has always motivated my efforts," she adds.

In 1972, she founded the National Association of Cuban-American Women (NACAW), her favorite project. In an effort to protect the rights of other Hispanic women from discrimination, Ana Maria also established the National Forum of Hispanic Organizations, which also works with Black female groups.

Cuban political prisoners have also benefited from her untiring efforts. The widow of a former Cuban political prisoner, Perera was a key element in the creation of the Committee for Cuban Political Prisoners.

One of Perera's main concerns is the future of Hispanic women in an increasingly technological society. "My message to Hispanic American women is to advance as much as possible in the field of technology. It is no longer enough to pursue social or political science careers. In addition, women need to learn computer systems. However, above all, they need to protect the spiritual values that strengthen democracy."

Mr. Speaker, I am impressed by the commitment Ms. Perera has shown to the advancement of Hispanic women and that of other minority groups. I encourage her to continue her good work with civic and charitable organizations and at her post with the Department of Education.

HONORING JOSEPH A.
MASCANDARO

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 17, 1991

Mr. ENGEL. Mr. Speaker, I rise today to pay tribute to Joseph Masciandaro, who recently retired after more than 30 years of service in the New York City School System.

Rarely does an individual contribute to the betterment of his community as Joseph has. Beginning in 1956 as a teacher of social studies and physical education at Junior High School 82 in the Bronx, Joseph embarked on a teaching career that touched the lives of hundreds of young men and women. For 25 years, the last 10 as assistant principal, he was a familiar figure in hallways of JHS 82. And for the final 10 years of his career he served with distinction as administrative assistant at Intermediate School 147.

But a recounting of Joseph's career only scratches the surface of the contributions he has made to the community. As a union activist, he held several important posts and lobbied in city hall and Albany for many educational causes. In his home community in Yonkers, he was a baseball and basketball official with the Dunwoodie Youth Association and president of the Dunwoodie Civic Association for more than 20 years. As an active member of Saint Ann's parish, he has lectured students and parents on career choices, drug education and the formation of Christian youth groups.

Joseph has also been blessed by the loyalty of his wife of 36 years, Eleanor, and their three devoted sons.

In all, Joseph's career and private life have been marked by his generosity and kindness to others, and he has made his community and family proud. I take the opportunity to honor him on a national level because he has fulfilled the promise of his heritage and faith that this country was founded upon. I know all his friends wish him a healthy and happy retirement.

FREE TRADE WITH MEXICO
MEANS JOB LOSSES IN NORTH-
ERN OHIO

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 17, 1991

Mr. PEASE. Mr. Speaker, later this month the U.S. House of Representatives will vote on whether the United States should negotiate a free-trade agreement—called FTA with Mexico.

President Bush is extremely eager for Congress to allow him to negotiate an FTA with Mexico on a fast-track—expedited—basis.

I will vote to deny President Bush that authority.

I will vote against fast track for one primary reason. I am deeply concerned about what is happening to the American middle class.

An FTA with Mexico will mean a loss of good-pay manufacturing jobs for areas like

northern Ohio which are part of America's industrial heartland.

An FTA with Mexico will also mean downward pressure on the wages and benefits of manufacturing workers who do keep their jobs.

In short, I believe an FTA with Mexico will have a heavy impact on middle-class working Americans in manufacturing areas like northern Ohio. The American middle class will be squeezed even more economically than it has been over the last 10 years.

Here is the disturbing picture.

The real wages of American workers—in constant dollars—have gone down by 9 percent in the last 10 years.

More and more spouses have had to go to work in an attempt just to maintain family income.

Workers who get laid off from well-paying factory jobs—over 12,000 were permanently laid off in Lorain County alone—learn too frequently that they cannot find new jobs that pay similar wages.

Our high school graduates find that well-paying factory jobs hardly exist. Our sons and daughters often wind up instead at fast-food restaurants working for the minimum wage.

With or without a Mexico FTA, this squeeze on middle class America will probably continue. Increasingly, local factories are owned by multinational corporations which can and do move production—and jobs—around the country and around the world in an effort to increase efficiency and profits.

But, in my view, a United States-Mexico FTA will accelerate this globalization process. Middle class working Americans will be squeezed faster and harder.

Why is that?

One obvious answer is that an FTA will gradually eliminate all tariffs between the United States and Mexico. Trade back and forth will increase. But tariff elimination is only a part of the answer.

Far more important, in my view, is the fact that an FTA will eliminate a host of barriers Mexico currently has to investment in Mexico by American and other foreign corporations.

With these barriers gone, American corporations will surely be tempted to move production to Mexico in order to take advantage of lower Mexican wages—57 cents per hour versus \$10.50 per hour average in the United States—in the manufacturing sector.

Elyria, OH, is still suffering from the closure in 1989 of the General Motors Fisher Guide plant there. Meanwhile, GM has opened over two dozen factories in Mexico just south of the United States border.

Similarly, Japanese, Taiwanese, Korean, European, and other foreign corporations will be more inclined to build factories in Mexico, take advantage of low-paid Mexican workers and ship the products north. These products will compete directly with goods made by firms which remain in the United States. No tariffs will stand in the way.

To balance the picture, let me state that some segments of the American economy will benefit from a United States-Mexico FTA. Businesses along the border in Texas, New Mexico, Arizona, and California will certainly benefit. So will some managers, scientists, engineers, and high-tech workers who will design, here in the United States, the products

American companies will make in Mexico. So will United States firms competing to supply the steel and machinery which go into new Mexican factories. And so too will United States consumer products firms selling their wares as Mexican workers get new jobs and earn money.

But in northern Ohio and elsewhere in America's industrial base, I believe strongly that, on balance, we have more to lose than to gain. Steel mills, auto assembly plants, auto parts firms and other manufacturing companies may find irresistible the lure of 57-cent-an-hour labor.

We in Ohio who have seen our middle class manufacturing workers squeezed so much in the last decade should be very leery of an FTA which will speed up the process of decline. That's especially true when President Bush wants to negotiate the FTA on a fast track which will allow Congress no opportunity to amend the agreement.

CONSUMER PROTECTION STANDARDS FOR LONG-TERM CARE INSURANCE ACT

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 17, 1991

Mr. BRUCE. Mr. Speaker, 2 years ago tomorrow, Commissioner Earl Pomeroy, former president of the National Association of Insurance Commissioners, said if States do not adopt NAIC model regulations regarding long-term care insurance within 2 years, he would welcome Federal involvement. Tomorrow it will be 2 years and I hope that he and the NAIC will welcome my bill.

I am proud to introduce the Consumer Protection Standards for Long-Term Care Insurance Act of 1991, legislation that could help 1.5 million Americans now, and nearly a quarter of our population in 10 to 15 years. As our Nation ages—the natural result of the baby boom years—more older Americans will need some form of health care. The bill I introduce today will affect those buying and selling insurance which covers the need for long-term health care, particularly in the form of nursing homes or home health services.

No national policy exists which addresses the problems that have arisen since companies began issuing long-term care insurance policies. Many older Americans in need of health care insurance rely on the increasingly strained Medicare service, and for long-term care, there are those who are forced to rely on Medicaid. But there is also a significant number of Americans who have the resources and the desire to choose their own insurance coverage for long-term care.

Medicaid, we found, is, at best, a partial solution. A man or a woman needing nursing home care must spend all of his or her earnings—whether it comes from a life's savings or another source—before he or she is eligible for Medicaid. I have heard time and again from people I represent that this is a humiliating experience, and one that hard-working Americans should not have to endure. No one chooses to be on public aid, and I

know from looking at the numbers that this creates unnecessary strains on Medicaid. Forty percent of the Medicaid budget goes to the impoverished elderly for nursing home care.

While long-term care insurance policies first began to be sold 17 years ago, they have evolved a great deal since then. Many questions remain, however, about the value of the policies and the way in which they are sold. Do consumers know what they are getting when they pay \$1,000, \$1,200 or up to \$2,000 a month in premiums? What kind of recourse does a consumer have if there is a disputed problem with a policy? According to Marion Miller, an insurance advocate, this is a case where you certainly get what you pay for.

In 1986, the National Association of Insurance Commissioners developed and issued model regulations for States to voluntarily adopt, and many States have done so. But, as of today, 11 States have no minimum standards for the sale of long-term care insurance. And of the States that have adopted guidelines, most have left out key points of the NAIC model, 24 States have not developed standards for guaranteed renewal, 19 States have not adopted standards which eliminate a prior hospitalization requirements, and an astounding 40 States have not adopted NAIC standards for home health care benefits, inflation protection or disclosure requirements for post-claim underwriting.

This bill is the culmination of more than a year of research and work done in an attempt to solve the problems that exist in the long-term care insurance industry. It is designed to accomplish three things: Provide better benefits, eliminate misleading practices, and to give more information to the consumer so that he or she can choose a quality policy. I would like to briefly point out some of its highlights, and why these provisions are necessary.

The Secretary, in conjunction with the NAIC, insurance and consumer groups, will work together to establish and disseminate the regulations. The States clearly have not responded to the call to enact and enforce standards.

The regulations will address the following issues:

First, many companies underprice their product to become more competitive. Because consumers have little or no knowledge of the expenses and demands of the health services they choose, all such information should be made available at the time of purchase, including average nursing home costs, average length of stay, and the costs of home health care. In addition, insurance carriers will put no restrictions on benefits to discourage home health care.

Second, mandatory inflation protection is essential. The rising costs of long-term care have made it a necessity for an inflation adjustment to automatically be included.

Third, coverage for mental impairment is needed. Many policies have eliminated their discriminatory clauses against Alzheimer's disease, but 18 States have still not implemented standards prohibiting this. This does not address, however, other forms of dementia, or other forms of mental illness.

Fourth, policy lapses are too common. The Health Insurance Association of America's January 1991 research bulletin reported an

average first year lapse rate of 18 percent. The General Accounting Office reported that the average lapse rate after 10 years is 60 percent. Several provisions in the bill address lapses and the reasons they occur. If a policy lapses, the person stands to lose thousands of dollars. With the inclusion of a nonforfeiture clause, this would ensure that even if a policy lapses, a person could still collect a percentage of benefits.

Also, States would call for the mandatory designation of an alternative payor. This is a key provision which addresses the lapse problem. If an aging policyholder forgets to pay because of senility, the risk of losing the money already invested in the policy is reduced. The alternative payor would be notified and given ample time to correct the situation.

Fifth, information on long-term care in general must be provided. Most consumers have no idea what the annual increases for long-term care are, and most do not know how long an average stay is in a nursing home. This provision would shift some of the consumer protection responsibilities to the consumer, providing helpful information to help the person determine which policy is best.

Last, I would like to briefly mention my support for legislative solutions to agent abuses. Congressman Wyden has also introduced long-term care insurance bills. Congressman Wyden includes language to address high pressure sales tactics, agent commissions and churning. I would like to go on record in support of his efforts. Comprehensive legislation to eliminate scam artists will help older Americans and those companies offering responsible policies in a much needed market.

THE FRAUD VICTIMS RESTITUTION ACT OF 1991

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 17, 1991

Mr. ROYBAL. Mr. Speaker, as much as we hate to admit it, consumer fraud is big business in this country.

Fraudulent schemes assume a wide variety of forms including travel scams, bogus medical remedies and other types of health fraud, investment schemes, land fraud and the sale of worthless yet costly insurance. Each and every one of us has had countless constituents who have been bilked by the perpetrators of these activities.

There can be no doubt that fraud is currently a profitable enterprise. Hearings conducted in 1984 by the House Aging Committee's Subcommittee on Health and Long-Term Care revealed that Americans were being defrauded out of \$10 billion per year through phony medical products and therapies alone. Taken together, and adjusted for inflation and population growth, the cost of all types of consumer fraud in 1991 is astronomical.

I believe that the time has come to take action against fraud. For that reason, I recently introduced H.R. 2180, the Fraud Victims Restitution Act of 1991.

The existing mail and wire fraud statutes have two serious shortcomings which hamper

their effectiveness in protecting consumers. First, under current law, the perpetrator of a fraud, no matter how large or serious in scope, is almost always allowed to keep the profits and proceeds from his or her illegal scheme after serving a brief sentence and paying a negligible fine. Second, the law contains no effective provisions to assure that the victims of fraud are compensated for their losses. Consider the following cases:

In Honolulu, two individuals were convicted of mail fraud in connection with their promotion of time shares in the Paradise Palms Vacation Club. While the estimated loss to the public was \$36 million, no money was required to be returned to victims.

A Georgia man ran a quackery empire that sold baldness cures, weight loss products and various nutritional supplements. His company employed nearly 100 people and had sales of more than \$1 million per month. When law enforcement officials caught up to him, he boasted that his company grossed close to \$75 million in 12 years. He served 3 years in a penitentiary and was then free to reclaim his profits.

Anthony Gerentino, a major promoter of bogus academic degrees in the 1980's who was jailed for mail fraud, estimated that as many as 20 other dealers with operations similar to his were still in operation. Gerentino told the House Aging Committee that during the 5 years he was in business, he grossed over \$2 million selling approximately 3,000 phony degrees. Under current law, Gerentino was allowed to keep the profits from his fraudulent scheme.

H.R. 2180, would greatly enhance consumer protection by correcting these two deficiencies. It would make the practice of fraud much less attractive by providing for both civil and criminal forfeiture for mail and wire fraud, allowing the Government to deprive violators of their illicit profits before they have an opportunity to dispense with or hide them. This mechanism, which contains proper safeguards to protect the property rights of innocent third parties, including creditors, has proved effective in combatting drug trafficking and the peddling of child pornography. Administrative costs would be minimal and would be borne out of the funds seized.

Most importantly, H.R. 2180 requires that the profits and proceeds seized from fraudulent schemers be returned to their rightful owners, the victims. Too often today, the victims of consumer fraud never see their money again. For some victims, that means that their home or their life savings are gone forever.

The Fraud Victims Restitution Act, developed through close consultation with national consumer and law enforcement experts, would be a dramatic step forward in consumer pro-

tection, stopping the alarming increase in number of these fraudulent schemes and reducing the number of victims.

Webster's dictionary defines fraud as "the intentional perversion of the truth in order to induce another to part with something of value." I sincerely hope that you will join me in putting an end to this perversion.

I urge my colleagues on both sides of the aisle to join me in supporting this important consumer legislation.

IN MEMORY OF RABBI JAN
BRESKY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 17, 1991

Mr. BILIRAKIS. Mr. Speaker, it has been written that the mind of man can never fully comprehend God's master plan.

Those of us who loved and admired Rabbi Jan Bresky will struggle in the days ahead to hew to our faith in God's infinite wisdom, just as our hearts swell with sorrow over his passing from our lives and the lives of his family.

Rabbi Bresky's last years on Earth were filled with immense challenges, both professional and personal. In characteristic fashion, he faced both squarely, never allowing his commitment and confidence in the future to be shaken.

Jan Bresky was a pioneer, an enlightened leader and a loving father. He founded two synagogues and the Jewish Media Relations Council, which seeks to help people in their daily lives through prayer and the practice of love, tolerance and nonharm. But most of all, he was a inspirational teacher who uniquely brought the word of a loving and beneficent God to his west Florida congregations and to thousands more throughout the Northeast through his television and radio programs. His legacy will be the legions he helped make whole my opening wide the door to God's love and understanding.

In 1978, Rabbi Bresky organized Temple Ahavat Shalom in Palm Harbor. In 5 years, membership grew from 18 to 400 members in an area that is less than 1-percent Jewish. He left the security of that flourishing synagogue in 1987 to devote his full energies to his radio/television ministry, which emphasized God, prayer and ethics while helping to dispel dangerous misunderstandings about Judaism.

In 1989, Rabbi Bresky faced the gravest challenge a person can face—a fight against cancer. Diagnosed with leukemia, Rabbi Bresky underwent a complicated bone marrow transplant operation. The operation was a complete success, however, the massive

doses of radiation and chemotherapy necessary to prepare Rabbi Bresky for the procedure led to a series of complications, culminating in viral hepatitis, which claimed him on Wednesday, May 15.

Characteristically, at the very time Rabbi Bresky was battling cancer, he was reaching out, building new bridges to God. He founded an independent synagogue, Congregation B'nai Emmunah—People of Faith. And despite persistent medical setbacks, Rabbi Bresky continued to energize and conscientiously minister to his congregation in Florida and throughout America.

Rabbi Bresky breathed the strength of religion into people's lives. That alone made him a remarkable man. He was also a scholar with a keen insight into world politics. For the last 8 years, he served as my expert adviser on Middle East policy.

Rabbi Bresky was a dedicated servant of God who represented the best traditions of our religious heritage. His life was one of reaching out, of inclusion. He sought to introduce people to God, regardless of which path they ultimately chose. He showed people that through prayer, contemplation, tolerance and love, a happier, more rewarding life would result.

Our lives are richer having been touched by his.

THE GARDEN CLUB OF CITY
ISLAND

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 17, 1991

Mr. ENGEL. Mr. Speaker, I rise today to pay tribute to the Garden Club of City Island, which this week is celebrating its 30th anniversary as a member of the Federated Garden Clubs of America Ninth District.

The founder of the Garden Club of City Island, Jacqueline Kyle Kall, is well known throughout the community for her public service and dedication to maintaining the character of City Island. She has amassed a loyal following of local residents who can be seen cleaning up the beaches, planting flowers and trees, and working with other organizations to protect the environment. Their commitment has won them many awards and citations over the years, and the Garden Club today remains as active as ever.

Under the leadership of its newly elected president, Margaret Conway, I know the Garden Club of City Island will continue building on the rich tradition it has established over the past three decades.